



Council of the  
European Union

Brussels, 4 September 2023  
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**Interinstitutional File:**  
**2022/0094(COD)**

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**MI 706**  
**ENV 933**  
**ENT 184**  
**CODEC 1517**

**NOTE**

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| From:           | Presidency/General Secretariat of the Council                                                                                                                                                                                                          |
| To:             | Delegations                                                                                                                                                                                                                                            |
| No. prev. doc.: | 10920/23                                                                                                                                                                                                                                               |
| No. Cion doc.:  | 7799/22 + ADD1 - 5                                                                                                                                                                                                                                     |
| Subject:        | Proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011<br>- 4-column document |

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Delegations will find attached the text of the four-column document for the above-mentioned proposal, containing the initial positions of the institutions.

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**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (Text with EEA relevance)**  
**2022/0094(COD)**

|                | Commission Proposal                                                                                                                                                                      | EP Mandate                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                             | Draft Agreement |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Formula        |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                                                             |                 |
| 1              | 2022/0094 (COD)                                                                                                                                                                          | 2022/0094 (COD)                                                                                                                                                                          | 2022/0094 (COD)                                                                                                                                                                                                             |                 |
| Proposal Title |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                                                             |                 |
| 2              | Proposal for a<br><br>REGULATION OF THE<br>EUROPEAN PARLIAMENT<br>AND OF THE COUNCIL<br><br>laying down harmonised<br>conditions for the marketing of<br>construction products, amending | Proposal for a<br><br>REGULATION OF THE<br>EUROPEAN PARLIAMENT<br>AND OF THE COUNCIL<br><br>laying down harmonised<br>conditions for the marketing of<br>construction products, amending | Proposal for a<br><br>REGULATION OF THE<br>EUROPEAN PARLIAMENT<br>AND OF THE COUNCIL<br><br>laying down harmonised<br><del>conditions</del> <u>rules</u> for the marketing<br>of construction products, <del>amending</del> |                 |

|            | Commission Proposal                                                                                                   | EP Mandate                                                                                                            | Council Mandate                                                                                                       | Draft Agreement |
|------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------|
|            | Regulation (EU) 2019/1020 and<br>repealing Regulation (EU)<br>305/2011<br><br>(Text with EEA relevance)               | Regulation (EU) 2019/1020 and<br>repealing Regulation (EU)<br>305/2011<br><br>(Text with EEA relevance)               | <del>Regulation (EU) 2019/1020</del> and<br>repealing Regulation (EU)<br>305/2011<br><br>(Text with EEA relevance)    |                 |
| Formula    |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |
| 3          | THE EUROPEAN PARLIAMENT<br>AND THE COUNCIL OF THE<br>EUROPEAN UNION,                                                  | THE EUROPEAN PARLIAMENT<br>AND THE COUNCIL OF THE<br>EUROPEAN UNION,                                                  | THE EUROPEAN PARLIAMENT<br>AND THE COUNCIL OF THE<br>EUROPEAN UNION,                                                  |                 |
| Citation 1 |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |
| 4          | Having regard to the Treaty on the<br>Functioning of the European<br>Union, and in particular Article<br>114 thereof, | Having regard to the Treaty on the<br>Functioning of the European<br>Union, and in particular Article<br>114 thereof, | Having regard to the Treaty on the<br>Functioning of the European<br>Union, and in particular Article<br>114 thereof, |                 |
| Citation 2 |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |

|            | Commission Proposal                                                                         | EP Mandate                                                                                  | Council Mandate                                                                             | Draft Agreement |
|------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------|
| 5          | Having regard to the proposal from the Commission,                                          | Having regard to the proposal from the Commission,                                          | Having regard to the proposal from the Commission,                                          |                 |
| Citation 3 |                                                                                             |                                                                                             |                                                                                             |                 |
| 6          | After transmission of the draft legislative act to the national parliaments,                | After transmission of the draft legislative act to the national parliaments,                | After transmission of the draft legislative act to the national parliaments,                |                 |
| Citation 4 |                                                                                             |                                                                                             |                                                                                             |                 |
| 7          | Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup> , | Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup> , | Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup> , |                 |
| Citation 5 |                                                                                             |                                                                                             |                                                                                             |                 |



|           | Commission Proposal                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                               | Draft Agreement |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 8         | Acting in accordance with the ordinary legislative procedure <sup>(2)</sup> ,                                                                                                                                                                                                                 | Acting in accordance with the ordinary legislative procedure <sup>(2)</sup> ,                                                                                                                                                                                                                 | Acting in accordance with the ordinary legislative procedure <sup>(2)</sup> ,                                                                                                                                                                                                                 |                 |
| Formula   |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                 |
| 9         | Whereas:                                                                                                                                                                                                                                                                                      | Whereas:                                                                                                                                                                                                                                                                                      | Whereas:                                                                                                                                                                                                                                                                                      |                 |
| Recital 1 |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                 |
| 10        | (1) Regulation (EU) No 305/2011 of the European Parliament and of the Council was adopted in the context of the internal market, in order to harmonise conditions for the marketing of construction products and to remove obstacles to trade in construction products between Member States. | (1) Regulation (EU) No 305/2011 of the European Parliament and of the Council was adopted in the context of the internal market, in order to harmonise conditions for the marketing of construction products and to remove obstacles to trade in construction products between Member States. | (1) Regulation (EU) No 305/2011 of the European Parliament and of the Council was adopted in the context of the internal market, in order to harmonise conditions for the marketing of construction products and to remove obstacles to trade in construction products between Member States. |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Recital 2 |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                          |                 |
| 11        | (2) In order for a construction product to be placed on the market, the manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain exemptions to this obligation are provided. | (2) In order for a construction product <u>covered by a harmonised technical specification</u> to be placed on the market, the manufacturer is obliged to draw <u>up</u> a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain <del>exemptions to</del> <u>products should be exempted from</u> this obligation, <u>such as individually manufactured or custom-made products</u> <del>are provided</del> . | (2) In order for a construction product to be placed on the market, the manufacturer is obliged to draw a declaration of performance for such product. The manufacturer assumes the responsibility for the conformity of the product with such declared performance. Certain exemptions to this obligation are provided. |                 |
| Recital 3 |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                          |                 |
| 12        | (3) Experience with the implementation of Regulation 305/2011, the evaluation conducted by the Commission in 2019 as well as the report on the European                                                                                                                                                                  | (3) Experience with the implementation of Regulation 305/2011, the evaluation conducted by the Commission in 2019 as well as the report on the European                                                                                                                                                                                                                                                                                                                                                                    | (3) Experience with the implementation of Regulation 305/2011, the evaluation conducted by the Commission in 2019 as well as the report on the European                                                                                                                                                                  |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|           | <p>Organisation for Technical Assessment have shown the underperformance of the framework in various respects, including as regards the development of standards and the market surveillance. In addition, feedback received in the course of the evaluation has pointed to the need of reducing the overlaps, contradictions and repetitive requirements, including in relation to other Union legislation, in order to provide more legal clarity and limit the administrative burden on the economic operators. It is therefore necessary to lay down more specific and detailed legal obligations for economic operators, as well as new provisions including as regards technical specifications and market surveillance, so that legal certainty is increased and that diverging interpretations are avoided.</p> | <p>Organisation for Technical Assessment have shown the underperformance of the framework in various respects, including as regards the development of standards and the market surveillance. In addition, feedback received in the course of the evaluation has pointed to the need of reducing the overlaps, contradictions and repetitive requirements, including in relation to other Union legislation, in order to provide more legal clarity and limit the administrative burden on the economic operators. It is therefore necessary to lay down more specific and detailed legal obligations for economic operators, as well as new provisions including as regards technical specifications and market surveillance, so that legal certainty is increased and that diverging interpretations are avoided.</p> | <p>Organisation for Technical Assessment have shown the underperformance of the framework in various respects, including as regards the development of standards and the market surveillance. In addition, feedback received in the course of the evaluation has pointed to the need of reducing the overlaps, contradictions and repetitive requirements, including in relation to other Union legislation, in order to provide more legal clarity and limit the administrative burden on the economic operators. It is therefore necessary to <del>lay down</del> <u>more specific and detailed update and align</u> legal obligations for economic operators <u>with other Union legislation</u>, as well as <u>add</u> new provisions including as regards <del>technical specifications and</del> market surveillance, so that legal certainty is increased and that diverging interpretations are avoided.</p> |                 |
| Recital 4 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 13        | <p>(4) It is necessary to establish well-functioning information flows, including via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.</p> | <p>(4) It is necessary to establish well-functioning information flows, including via electronic means <u>and in a machine-readable format</u>, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.</p> | <p>(4) It is necessary to establish well-functioning information flows, including via electronic means, to ensure that coherent and transparent information about construction products performances is available along the supply chain. This is expected to increase transparency and to improve efficiency in terms of information transfer. Ensuring digital access to comprehensive information about construction products would contribute to the digitalisation of the construction sector altogether, making the framework fit for the digital age. Access to reliable and durable information would also mean that economic operators and other actors do not contribute to each other's non-compliance.</p> |                 |
| Recital 5 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 14        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|  | <p>(5) The European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011<sup>1</sup> welcomed the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products in the revision of Regulation 305/2011, as announced in the Circular Economy Action Plan. The Council Conclusions on the Circular Economy in the Construction Sector from 28 November 2019<sup>2</sup> urged the Commission to facilitate the circularity of construction products when revising the Construction Products Regulation (EU) No 305/2011. The Commission Communication 'A New Industrial Strategy for Europe'<sup>3</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 Commission Communication 'Updating the 2020 New Industrial Strategy: Building a stronger</p> | <p>(5) The European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011<sup>1</sup> welcomed the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products in the revision of Regulation 305/2011, as announced in the Circular Economy Action Plan. The Council Conclusions on the Circular Economy in the Construction Sector from 28 November 2019<sup>2</sup> urged the Commission to facilitate the circularity of construction products when revising the Construction Products Regulation (EU) No 305/2011. The Commission Communication 'A New Industrial Strategy for Europe'<sup>3</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 Commission Communication 'Updating the 2020 New Industrial Strategy: Building a stronger</p> | <p>(5) The European Parliament resolution of 10 March 2021 on the implementation of Regulation (EU) No 305/2011<sup>1</sup> welcomed the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products in the revision of Regulation 305/2011, as announced in the Circular Economy Action Plan. The Council Conclusions on the Circular Economy in the Construction Sector from 28 November 2019<sup>2</sup> urged the Commission to facilitate the circularity of construction products when revising the Construction Products Regulation (EU) No 305/2011. The Commission Communication 'A New Industrial Strategy for Europe'<sup>3</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 Commission Communication 'Updating the 2020 New Industrial Strategy: Building a stronger</p> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|  | <p>Single Market for Europe's recovery<sup>4</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. It is therefore appropriate to lay down rules for declaring environmental and sustainability performance of construction products, including the possibility of establishing relevant thresholds and classes.</p> <hr/> <p>1. 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))</p> <p>2. Circular Economy in the Construction Sector – Council Conclusions, adopted 28 November 2019, 14653/19</p> <p>3. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe</p> | <p>Single Market for Europe's recovery<sup>4</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. It is therefore appropriate to lay down rules for declaring environmental and sustainability performance of construction products, including the possibility of establishing relevant thresholds and classes.</p> <hr/> <p>1. 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))</p> <p>2. Circular Economy in the Construction Sector – Council Conclusions, adopted 28 November 2019, 14653/19</p> <p>3. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe</p> | <p>Single Market for Europe's recovery<sup>4</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. It is therefore appropriate to lay down rules for declaring environmental and sustainability performance of construction products, including the possibility of establishing relevant thresholds and classes.</p> <p><u><i>Such classes of performance should accurately reflect the diversity of products and their state of the art and should enable the most environmentally friendly products to be accurately identified. Moreover, when referring to environmental impacts, such classes of performance should be understandable, should not be misleading, nor allow for burden shifting.</i></u></p> <hr/> <p>1. European Parliament resolution of 10 March 2021 on the implementation of</p> |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|           | <p>COM(2020)102 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, 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.</p> | <p>COM(2020)102 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, 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.</p> | <p>Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation) (2020/2028(INI))</p> <p>2. Circular Economy in the Construction Sector – Council Conclusions, adopted 28 November 2019, 14653/19</p> <p>3. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe COM(2020)102 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, 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.</p> |                 |
| Recital 6 |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 15        | (6) Similarly, the 2022 EU Strategy on Standardisation <sup>1</sup> identified construction as one of the most pertinent areas where                                                                                                                                                                                                     | (6) Similarly, the 2022 EU Strategy on Standardisation <sup>1</sup> identified construction as one of the most pertinent areas where                                                                                                                                                                                                     | (6) Similarly, the 2022 EU Strategy on Standardisation <sup>1</sup> identified construction as one of the most pertinent areas where                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|           | <p>harmonised standards could improve competitiveness and reduce market barriers.</p> <p>_____</p> <p>1. Communication from the Commission of 2 February 2022 to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, ‘An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market’, COM/2022/31 final</p> | <p>harmonised standards could improve competitiveness and reduce market barriers.</p> <p>_____</p> <p>1. Communication from the Commission of 2 February 2022 to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, ‘An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market’, COM/2022/31 final</p> | <p>harmonised standards could improve competitiveness and reduce market barriers.</p> <p>_____</p> <p>1. Communication from the Commission of 2 February 2022 to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, ‘An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market’, COM/2022/31 final</p> |                 |
| Recital 7 |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 16        | <p>(7) Pursuing the environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and to lay the ground for the development and the application of an assessment method for the calculation of the environmental sustainability of construction products. For the same reason, it is necessary to extend the range of regulated</p>                     | <p>(7) Pursuing <del>the</del> environmental goals, including the fight against climate change <u>and the transition towards a circular economy</u>, makes it necessary to establish, <u>without increasing disproportionately bureaucracy and costs for economic operators, especially for SMEs, new environmental obligations and develop and apply new</u> <del>environmental obligations and to</del></p>            | <p>(7) Pursuing the environmental goals, including the fight against climate change, makes it necessary to establish new environmental obligations and to lay the ground for the development and the application of an assessment method for the calculation of the environmental sustainability of construction products. <del>For the same reason, it is necessary to extend the range of regulated</del></p>          |                 |



|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|  | <p>economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.</p> | <p><del>lay the ground for the development and the application of</del> an assessment method for the calculation of the environmental sustainability of construction products <u>based on EN 15804 and widely used Environmental Product Declarations ('EPDs') by construction product manufacturers. This is essential to ensure the correct calculation of the environmental impact at the building level according to EN 15978.</u> For the same reason, it is necessary to extend the range of regulated economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate products and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of</p> | <p><del>economic operators, since distributors, suppliers and manufacturers all have a role to play in the calculation of the environmental sustainability in the construction sector. That range should therefore be extended into two directions, downstream from the distributors to the economic operators preparing re-use and remanufacturing of construction products and upstream from the manufacturer over the suppliers of intermediate</del> <u>The calculations should cover the life-cycle of the product using the methods established through standardisation. For new products the calculated life-cycles should include all stages of a products life, from raw material acquisition or generation from natural resources, to it's final disposal, not including any possible re-use. For used and remanufactured products</u> <del>and/or raw materials. Moreover, certain operators coming into play in the context of dismantling used products or other parts of,</del> <u>the calculated life-cycles starts with the de-installation from</u> <u>a</u> <del>construction works or remanufacturing and re-use</del></p> |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | construction works or remanufacturing and re-use thereof need to contribute to a safe second life of construction products.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <del>thereof need to contribute to a safe second life of construction products</del><br><u>work and include all following stages until final disposal.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Recital 8 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 17        | (8) To ensure safety and functionality of construction products and, by extension, of construction works, it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products. Moreover, certain service providers such as fulfilment service providers or 3D-printing service providers should not contribute to the non-compliances of other economic operators. It is therefore necessary | (8) To ensure safety and functionality of construction products and, by extension, of construction works, <del>it is necessary to avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore ensure that those pseudo construction products are not sold as construction products.</del> <u>Moreover as well as workers and consumers,</u> certain service providers such as fulfilment <del>service providers or 3D-printing</del> service providers should not contribute to the non-compliances of other | (8) To ensure safety and functionality of construction products and, by extension, of construction works, it is necessary to <del>avoid that items that are not intended by their manufacturers to be construction products are placed on the market as construction products. Importers, distributors and other downstream economic operators should therefore</del> ensure that <del>those pseudo construction products are not sold as construction products.</del> <u>Moreover,</u> certain service providers such as fulfilment service providers <del>or 3D-printing service providers should</del> <u>and online marketplaces do</u> not contribute to the non-compliances of other <del>economic</del> |                 |

|            | Commission Proposal                                                                  | EP Mandate                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|            | to render relevant provisions applicable also to these services and their providers. | economic operators. It is therefore necessary to render relevant provisions applicable also to these services and their providers. | <del>operators</del> actors. It is therefore necessary to render relevant provisions applicable also to these services and their providers.                                                                                                                                                                                                                             |                 |
| Recital 8a |                                                                                      |                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 17a        |                                                                                      |                                                                                                                                    | <u>(8a) To create the necessary link between construction products and the construction works, including buildings, into which they might be incorporated, the notion of construction works should be defined only for the purposes of this regulation and without prejudice to Member States' competences to define and regulate construction works and buildings.</u> |                 |
| Recital 9  |                                                                                      |                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 18         | (9) It is possible that different                                                    | (9) It is possible that different                                                                                                  | (9) <del>It is possible that different</del>                                                                                                                                                                                                                                                                                                                            |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|  | <p>economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid possible safety risks in this respect, it is therefore necessary to lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing of construction products, so that, by respecting these provisions, the economic operators jointly reach a level of safety similar to the one ensured for ordinary construction products.</p> | <p><del>economic operators provide a 3D-printing dataset, a 3D-printing machine or mould, and the material to be used therein, leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid possible safety risks in this respect</del> <u>natural or legal persons 3D-print construction products. It is therefore necessary to clarify that a natural or legal person that 3D-prints construction products when placing on the market products for clients should fulfil the obligations incumbent on manufacturers. In addition,</u> it is <del>therefore</del> necessary to <del>lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing of construction</del> <u>ensure that that person uses the appropriate 3D-datasets, as well as that the materials used have undergone the procedures applicable to</u> products, <del>so that, by respecting these provisions, the economic operators jointly reach a level of safety similar to the one ensured for ordinary construction products</del></p> | <p><del>economic operators provide a 3D-printing dataset</del> <u>To avoid circumvention of the obligations under this Regulation when the production technology, for example</u> a 3D-printing <del>machine or mould, and the material to be used therein,</del> <u>may involve several different actors who contribute to the design and manufacture of a construction product, it is necessary to establish a clearly defined manufacturer's role where the natural or legal person who does the actual production of a construction</u> <del>leading to a situation where none of those operators would be responsible for the safety and appropriate performance of the 3D-printed product. To avoid possible safety risks in this</del> <u>assume the responsibilities under this Regulation in</u> respect, <del>it is therefore necessary to lay down provisions for 3D-printing datasets, materials intended to be used for 3D-printing and for 3D-printing services that permit 3D-printing of construction products, so that, by respecting these provisions, the economic operators jointly reach a level of safety</del></p> |                 |

|            | Commission Proposal | EP Mandate                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|            |                     | <u>and that the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material coincide.</u> | <del>similar to the one ensured for ordinary construction products</del> <u>of that product in its entirety, unless there is another person who either places the product on the market under his or her own name or trademark or who assumes responsibility for the product by drawing up a declaration of performance and conformity.</u>                                                                   |                 |
| Recital 9a |                     |                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 18a        |                     |                                                                                                                                                                    | <u>(9a) In order to avoid innovative distribution models being used to circumvent the obligations under this Regulation, it should be clarified that any supply of a product in the course of a commercial activity, including when ownership or possession of the products is transferred as part of the provision of a service, should be considered as the product being made available on the market.</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate       | Draft Agreement |
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| Recital 10 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                 |
| 19         | <p>(10) In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products. Micro-enterprises, however, often individually manufacture and install products on site. Subjecting those micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.</p> | <p>(10) <del>In order to ensure safety and protection of the environment and to close a regulatory loophole that would otherwise exist, it is necessary to clarify that construction products manufactured on the construction site for immediate incorporation into the construction works are subject to the same rules as other construction products. Micro-enterprises, however, often individually manufacture and install products on site.</del> Subjecting <del>those</del> micro-enterprises under all circumstances to the same rules as other enterprises would disproportionately affect those micro-enterprises. It is therefore necessary to enable Member States to exempt micro-enterprises from drawing up a declaration of performance in specific situations, where the interests of other Member States are not affected.</p> | <p><i>deleted</i></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                         | <u>Local authorities should be provided with the necessary financing mechanisms to help micro-enterprises access and be part of the sustainable product market.</u>                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Recital 11 |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 20         | (11) Ensuring the free movement of kits or assemblies of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents. | (11) Ensuring the free movement of kits <del>or assemblies</del> of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. <del>However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents.</del> | (11) Ensuring the free movement of kits <del>or assemblies</del> of construction products on the internal market will bring tangible benefits to citizens, consumers and businesses, particularly. However, for reasons of legal certainty, their composition should be precisely defined in harmonised technical specifications or European assessment documents. |                 |
| Recital 12 |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 21         |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                    |                 |

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|  | <p>(12) Creating a Union market for small prefabricated one-family houses has a potential to reduce the price of housing and to have positive social and economic effects. Fairness to consumers remains a priority, specifically but not limited to ensuring affordability of housing in the context of the green transition, in line with Proposal for Council Recommendation on Ensuring a fair transition towards climate neutrality<sup>1</sup>, in particular recommendations 7 a)-c). It is therefore necessary to lay down harmonised rules for such small houses. However, small houses are also construction works, for which the Member States are competent. As it might not be possible to integrate cumulatively all national requirements for small prefabricated one-family houses into the future harmonised technical specifications, Member States should have the right to opt out of the application of rules that are to apply to those pre-fabricated one-family houses.</p> <p>_____</p> | <i>deleted</i> | <i>deleted</i>  |                 |



|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                   | 1. Proposal for a Council Recommendation on Ensuring a fair transition towards climate neutrality COM(2021)801final 2021/0421 (NLE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| <i>Recital 13</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 22                | (13) The compliance of construction products with Union legislation often depends on the compliance of their key parts with that legislation. However, because key parts are often integrated into various construction products, the protection of safety and of the environment, including climate, is better achieved when those key parts are assessed upstream, that is when the performance and conformity of key parts will be assessed beforehand and independently from the assessment of the final construction product into which they are integrated. Similarly, market surveillance becomes more efficient when non-compliant key parts can be identified and targeted. Hence, it is | (13) The compliance of construction products with Union legislation often depends on the compliance of their key parts with that legislation. However, because key parts are often integrated into various construction products, the protection of safety and of the environment, including climate, is better achieved when those key parts are assessed upstream, that is when the performance and conformity of key parts will be assessed beforehand and independently from the assessment of the final construction product into which they are integrated. Similarly, market surveillance becomes more efficient when non-compliant key parts can be identified and targeted. Hence, it is | (13) The compliance of construction products with Union legislation often depends on the compliance of their key parts with that legislation. However, because key parts are often integrated into various construction products, the protection of safety and of the environment, including climate, is better achieved when those key parts are assessed upstream, that is when the performance and conformity of key parts will be assessed beforehand and independently from the assessment of the final construction product into which they are integrated. Similarly, market surveillance becomes more efficient when non-compliant key parts can be identified and targeted. Hence, it is |                 |

|             | Commission Proposal                                                           | EP Mandate                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|             | necessary to lay down rules applicable to key parts of construction products. | necessary to lay down rules applicable to key parts of construction products. | necessary to lay down rules applicable to key parts of construction products <u>while at the same time enabling the voluntary application of the Regulation on parts or materials intended to be used for construction products.</u>                                                                                                                                                                                                                                                                                                                        |                 |
| Recital 13a |                                                                               |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 22a         |                                                                               |                                                                               | <u>(13a) Items, such as construction products, their key parts as well as other parts or materials, may be placed on the market as such or as a set of separate components intended to be used together could be subject to dedicated harmonised technical specifications. To simplify the application of this regulation, the items and components falling under its scope should be clearly defined. This should not preclude the possibility to market the components as construction products when placed on the market separately, as key parts or</u> |                 |

|             | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|             |                     |            | <u>otherwise.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| Recital 13b |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 22b         |                     |            | <u>(13b) While keeping a broad scope for the Regulation's possible application, so as to allow for case-by-case harmonisation of products placed on the market for incorporation in a permanent manner in construction works when deemed appropriate, the application in relation to certain products already harmonised by other EU legislation should be excluded to avoid regulatory overlap. The Regulation's broad scope should however not be interpreted as an intention to harmonise all products which can be placed on the market for incorporation in construction works. Products which are not suitable for harmonisation, for instance due to their relation to local traditions or cultural heritage, their usage of specific materials which can only be</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>sourced in certain localities, their limited movement within the internal market or to heterogeneous conditions inbetween Member States, should not be subject to the harmonising effect of this Regulation through the active choice of not pursuing their coverage through harmonised technical specifications.</u>                                                                                                                                                           |                 |
| Recital 14 |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 23         | (14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed. | (14) Construction products that have already been assessed and are reused should not be subject to the rules that apply to new construction products. However, used construction products that have never been placed on the Union market before, should be subject to the same rules as new construction products, given that such products have never been assessed. <u>This applies to construction products manufactured on the construction</u> | (14) <del>Construction</del> <u>Used</u> products <del>that have already been assessed and are reused should not be subject to the rules that apply to new construction products.</del> <del>However, used construction products</del> <u>this Regulation</u> that have never been placed on the Union market before, should, <u>in the absence of dedicated provisions for used products,</u> be subject to the same rules as new construction products, given that such products |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate           | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>site for immediate incorporation into the construction works.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | have never been assessed. |                 |
| Recital 15 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |                 |
| 24         | (15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process and for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements. | (15) To ensure that safety and functionality of construction products is safeguarded, rules applicable to new construction products should also apply to used construction products where the intended use is changed, except to decoration purposes, for used construction products with unclear initial intended use, for used construction products which have undergone an important transformative process <del>and</del> , for used construction products for which an economic operator claims additional characteristics or the fulfilment of product requirements <u>and for used construction products that the economic operator is placing on the market for the first time.</u> | <i>deleted</i>            |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                      | Draft Agreement |
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| <i>Recital 16</i> |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                      |                 |
| 25                | (16) The fact that used construction products should, in principle, not undergo a new assessment, should not prevent the economic operator from having those construction products assessed if that helps to make the use of those used construction products more attractive by proving that those construction products still have certain characteristics or fulfil the applicable product requirements. | (16) The fact that used construction products should, in principle, not undergo a new assessment, should not prevent the economic operator from having those construction products assessed if that helps to make the use of those used construction products more attractive by proving that those construction products still have certain characteristics or fulfil the applicable product requirements. | <i>deleted</i>                                                                                                                                                       |                 |
| <i>Recital 17</i> |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                      |                 |
| 26                | (17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not                                                                                                                                                                                                                                        | (17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not                                                                                                                                                                                                                                        | (17) Construction products placed on the market in the outermost regions of the European Union are often imported from neighbouring countries, and are therefore not |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|             | subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market or directly installed in the outermost regions of the European Union from those requirements. | subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market <del>or</del> <i>directly installed</i> in the outermost regions of the European Union from those requirements. | subject to requirements laid down in Union law. Subjecting those construction products to such requirements would be disproportionately costly. At the same time, construction products manufactured in the outermost regions hardly circulate in other Member States. Accordingly, Member States should have the possibility to exempt construction products placed on the market <del>or</del> <i>directly installed</i> in the outermost regions of the European Union from those requirements. |                 |
| Recital 17a |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 26a         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>(17a) To ensure that a strong link is kept between Member States regulatory needs and the standards prepared, a group of experts should be giving the Commission advice on the preparation of standardisation requests and other harmonised technical specifications. The group should include</u>                                                                                                                                                                                              |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                       | <u>representatives from all Member States and can include different level of expertise depending on the matter at hand, as well as involve external expertise such as representatives of European standardisation organisations when appropriate. The work of the expert group should follow a work plan which should be established on the basis of inputs from Member States in addition to overall Union priorities such as the Green Deal and the Circular Economy Action Plan.</u> |                 |
| Recital 18 |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 27         | (18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. It follows the recent trend in product legislation to develop a fall-back | (18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. <del>It follows the recent trend</del><br><u>However, in line with other</u> | (18) In order to strive for a maximum of regulatory coherence, this Regulation should to the extent possible build on the horizontal legal framework, in this case namely on Regulation (EU) No 1025/2012 of the European Parliament and of the Council. It follows the recent trend in product legislation to develop a fall-back                                                                                                                                                      |                 |



|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|  | <p>solution where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the new back-up empowerments for the Commission should be even more comprehensive, permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.</p> | <p>product legislation, <u>this Regulation provides to develop</u> a fall-back solution <del>where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal</del> <u>in exceptional and well-defined cases where the application of a legislative act is at risk</u>. As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, the <del>new back-up empowerments for the Commission</del> <u>Commission in collaboration with European standardisation organisations</u> should <del>be even more comprehensive</del> <u>establish a workable solution</u> permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress.</p> | <p>solution where the European Standardisation Organisations do not deliver harmonised standards which can be cited in the Official Journal. <u>However, in light of the sector-specific structure used in this Regulation, where the removal of cited standards would mean the deharmonisation of the concerned product family or category, the fall-back solution should also be possible to apply in scenarios where an existing standard has either been subject to a formal objection or been referenced for a period of time which is considerably longer than the usual cycles for updating.</u></p> <p>As no harmonised standards for construction products could be cited in the Official Journal since late 2019 and only some dozen since Regulation (EU) No 305/2011 came into force, <u>such a fall-back solution should be complemented with the issuance of clear guidance giving the European Standardisation Organisations sufficient instructions on how to develop standards that meet the Commission's requirements to</u></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><u>enable an increase in the timely citation</u><del>the new back-up empowerments for the Commission should be even more comprehensive, permitting to optimise the overall output of technical specifications so to catch up the delay in the adaptation to technical progress</del><u>Official Journal</u></p>                                                                                                                                                                                                           |                 |
| Recital 19 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 28         | <p>(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product</p> | <p>(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, harmonised standards should be rendered mandatory for purpose of application of this Regulation, as only such standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States' ability to request safety and environmental, including climate-related, product</p> | <p>(19) Where harmonised standards lay down the rules for the assessment of performances with regard to essential characteristics relevant for the construction codes of Member States, <del>harmonised standards</del> <u>they</u> should be rendered mandatory for purpose of application of this Regulation <u>as dedicated construction product performance standards</u>, as only such <u>mandatory</u> standards reach the goal of permitting the free circulation of products, whilst ensuring the Member States'</p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|            | <p>characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.</p> | <p>characteristics in view of their <u>differences in climate, geology and geography and other conditions prevailing in the Member States</u>' specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.</p> | <p>ability to request safety and environmental, including climate-related, product characteristics in view of their specific national situation. When pursued together, these two goals require that products are assessed by a single assessment method, therefore the method needs to be mandatory. However, voluntary standards can be used to make product requirements, specified for the relevant product family or category by Delegated Acts, even more concrete, following the path of Decision 768/2008 of the European Parliament and of the Council. In line with Decision 768/2008, those standards should be able to provide a presumption of conformity with the requirements covered by them.</p> |                 |
| Recital 20 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 29         | <p>(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>(20) In order to contribute to the objectives of the European Green Deal <del>and</del>, the Circular Economy</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>(20) In order to contribute to the objectives of the European Green Deal and the Circular Economy</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|  | <p>Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These standards demonstrate that there is a practical need for such requirements on safety, the</p> | <p>Action Plan <u>and the Zero Pollution Action Plan</u>, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, functionality and protection of environment, including climate, are necessary. When setting these requirements, the Commission should <u>address the safety risks and take into account <del>their</del>the requirements</u>’ potential contribution to achieving Union climate, environmental and energy efficiency objectives. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, to safety or simply to the good functioning of the product. These</p> | <p>Action Plan, and to ensure safe construction products, safety being one of the goals to be pursued in the legislation based on Article 114 of the Treaty on the Functioning of the European Union (TFEU), inherent product requirements related to safety, <del>functionality</del> and protection of environment, including climate, are necessary. When setting these requirements, the Commission should take into account <del>their</del><u>the product’s</u> potential contribution to achieving Union climate, environmental and energy efficiency objectives <u>over the course of their life cycle</u>. These requirements do not merely relate to the performance of construction products. Contrary to its predecessor Directive 89/106/EC, Regulation (EU) No. 305/2011 does not provide for the possibility to establish such inherent product requirements. However, certain harmonised standards for construction products contain such inherent product requirements which can relate to environment, <del>to safety or simply to the good functioning of the product</del> <u>or to safety</u>. These standards demonstrate that there is a practical</p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            | <p>environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories. Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify the requirements for the respective construction product family or category.</p> | <p>standards demonstrate that there is a practical need for such requirements on safety, the environment or simply the functioning of products. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. <del>Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories.</del> Hence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to specify <del>the</del><u>those</u> requirements for the respective construction product family or category.</p> | <p>need for such requirements on safety, <del>the environment or simply the functioning of products</del> <u>or the environment</u>. Article 114 TFEU as the legal base of this Regulation also imposes the pursuit of a high level of protection of the environment, health and human safety. Thus, this Regulation should (re-)introduce or validate inherent product requirements. Whilst these requirements need to be laid down by the legislator, there is a need for specifying them for the more than 30 product families, each with several categories. Hence, the power to adopt acts in accordance with Article 290 <del>of the Treaty on the Functioning of the European Union</del> <u>TFEU</u> should be delegated to the Commission to specify the requirements for the respective construction product family or category.</p> |                 |
| Recital 21 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |

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| 30 | <p>(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them.</p> | <p>(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, the manufacturing, the distribution, own-brand-labelling, <del>the repackaging</del> or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them. <u>However, the widening of the scope for such obligations as</u></p> | <p>(21) Manufacturing and distribution of construction products becomes ever more complex, leading to the emergence of new specialised operators, such as fulfilment service providers. For reasons of clarity, certain generic obligations, including on cooperation with authorities, should be applicable to all those involved in the supply chain, <del>the manufacturing, the distribution, own-brand-labelling, the repackaging or secondary trade, installation, de-installation for re-use or remanufacturing, and the remanufacturing itself. Moreover, suppliers should be obliged to cooperate with market surveillance authorities for purposes of environmental sustainability assessment. For those reasons and to avoid repetition of obligations, the term ‘economic operator’ should be defined widely, encompassing all those actors so that basic generic obligations can in one strike be established for all of them.</del></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>regards service providers should not be wrongly interpreted as an obligation for those service providers merely concerned with the installation of products as regards CE-labelled products that they are handling in connection with their profession. That obligation will remain exclusively with the manufacturer or any natural or legal persons acting on its behalf.</u>                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Recital 22 |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 31         | (22) In order to foster harmonised practices amongst Member States even where a consensus about these practices could not be found, the Commission should be empowered to adopt, with regard to a limited range of issues, implementing acts on the implementation of this Regulation. The respective empowerments concern the definitions, the obligations and rights of economic operators and the obligations and | (22) In order to foster harmonised practices amongst Member States even where a consensus about these practices could not be found, the Commission should be empowered to adopt, with regard to a limited range of issues, implementing acts on the implementation of this Regulation. The respective empowerments concern the definitions, the obligations and rights of economic operators and the obligations and | (22) In order to foster harmonised practices amongst Member States even where a consensus about these practices could not be found, the Commission should be empowered to adopt, with regard to a limited range of issues, implementing acts on the implementation of this Regulation. The respective empowerments concern <del>the definitions,</del> the obligations <del>and rights</del> of economic operators and <del>the</del> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|            | rights of notified bodies.                                                                                                                                                                                                                                                                                                                                                                    | rights of notified bodies.                                                                                                                                                                                                                                                                                                                                                                               | <del>obligations and rights</del> of notified bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| Recital 23 |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 32         | (23) In order to improve the legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called ‘harmonised zone’, as opposed to the elements remaining within the remit of Member States’ national regulatory sphere. | (23) In order to improve <del>the</del> legal certainty and to mitigate the fragmentation of the EU market for construction products due to the existence of national requirements and marks, it is necessary to clearly define the area regulated at the EU level, the so-called ‘harmonised zone’, as opposed to the elements remaining within the remit of Member States’ national regulatory sphere. | (23) In order to improve the legal certainty and to mitigate the fragmentation of the EU market for construction products <del>due to the existence of national requirements and marks</del> , it is necessary to clearly define the area regulated at the EU level, the so-called ‘harmonised zone’, as opposed to the elements remaining within the <u>competence of Member States</u> .<br><br><u>Member States remain competent to lay down provisions on construction works, including on their design and dimensioning. The establishment of the harmonised zone should not affect the right <del>remit</del> of Member States<sup>2</sup> to specify national <del>regulatory sphere</del> requirements on construction works and should not reduce the level of protection</u> |                 |



|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                      | Draft Agreement |
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|             |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>already existing and justified in the Member States. National environmental policies applicable to construction works should not be considered as prohibitions or barriers to the making available of products on the market.</u> |                 |
| Recital 23a |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                      |                 |
| 32a         |                     | <u>(23a) Member States set the safety level for construction works on the basis of their responsibilities towards their citizens, while the Union determines the framework conditions for the internal market. The competence to adopt provisions on construction works remains with the Member States. The basic requirements for construction works set out in Annex I, Part A of this Regulation establish the links to construction products that are technically necessary, and serve as a basis for issuing standardisation requests to the European standardisation</u> |                                                                                                                                                                                                                                      |                 |

|             | Commission Proposal                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                      | Draft Agreement |
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|             |                                                                                                                                                                                                      | <u>organisations for the development of standards for construction products, as well as for the development of European Assessment Documents and corresponding delegated acts.</u>                                       |                                                                                                                                                                                                      |                 |
| Recital 23b |                                                                                                                                                                                                      |                                                                                                                                                                                                                          |                                                                                                                                                                                                      |                 |
| 32b         |                                                                                                                                                                                                      | <u>(23b) The harmonised zone should also apply to public contracts, grants or other positive incentives with the exception of fiscal incentives.</u>                                                                     |                                                                                                                                                                                                      |                 |
| Recital 24  |                                                                                                                                                                                                      |                                                                                                                                                                                                                          |                                                                                                                                                                                                      |                 |
| 33          | (24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the legitimate interests of Member States to regulate construction works, it is necessary | (24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the <del>legitimate interests of</del> Member States' <u>competence</u> to regulate construction works, it is | (24) At the same time, in order to strike a balance between mitigating the fragmentation of the market and the legitimate interests of Member States to regulate construction works, it is necessary |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|  | <p>to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. For the same reason, a mechanism allowing Member State to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established.</p> | <p>necessary to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. <u>Member States are responsible</u> for the <del>same</del> <u>safety, environmental and energy requirements that apply to construction and civil engineering works. For this</u> reason, a mechanism allowing Member <del>State</del> <u>States</u> to set, based on imperative grounds of health, safety or environmental protection, additional requirements for construction products should be established <u>in order to enable Member States to react to special circumstances in their territory.</u></p> | <p>to provide for a mechanism to better integrate Member States' needs into the development of harmonised technical specifications. For the same reason, <del>an additional</del> mechanism <u>of prior authorisation should be established,</u> allowing Member State to set, based on imperative grounds of health, safety or environmental protection, <u>requirements other than those laid down in the harmonised technical specifications</u> <del>additional requirements</del> for construction products <u>covered by the harmonised zone . This mechanism should give Member States the possibility to, while awaiting updated harmonised technical specifications addressing their regulatory needs, notify and seek authorisation for national measures affecting the performance of an essential characteristic not addressed by the harmonised technical specification. This mechanism</u> should be <del>established</del> <u>complementary to a Member State's possibility to notify the Commission, in accordance with Article 114</u></p> |                 |

|            | Commission Proposal                                                                              | EP Mandate                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|            |                                                                                                  |                                                                                                  | <u>TFEU, when it deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State in contradiction with harmonised technical specifications. In order to ensure that authorised national measures only remain as temporary deviations from the harmonised zone, it is important to enable swift consultations on the need to update harmonised technical specifications in light of those regulatory needs, including, where appropriate, through standardisation requests with deadlines specifically set to address the urgency at hand.</u> |                 |
| Recital 25 |                                                                                                  |                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 34         | (25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by | (25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by | (25) A circular economy, the key element of the Circular Economy Action Plan, can be promoted by                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|            | mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take such measures.                                                                                                                                                                                                                                                                                                                                                                                                  | mandatory deposit-refund systems and the obligation to take back <u>used or</u> unused <u>non-custom-made</u> products. Member States should therefore be allowed to take <del>such</del> <u>measures in order to ban the unnecessary destruction of construction products.</u>                                                                                                                                                                                                                                                                     | mandatory deposit-refund systems and the obligation to take back unused products. Member States should therefore be allowed to take such measures.                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Recital 26 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 35         | (26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine | (26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. The Commission should thus be able to determine | (26) In order to enhance legal clarity and reduce the administrative burden for the economic operators, it is necessary to avoid that construction products are subject to multiple assessments regarding the same aspect of health, safety or protection of the environment, including climate, under different Union legislation. This was confirmed by the REFIT platform recommending that the Commission gives priority to addressing the problems of overlapping and repetitive requirements. <u>While not reducing or encroaching on the level of</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|            | the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law. | the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, <del>where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law.</del>       | <u>protection already existing and justified in Member States at building level, the Commission should</u> <del>The Commission should thus</del> be able to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations of this Regulation, where otherwise the same aspect of health, safety or protection of the environment, including climate, would be assessed in parallel under this Regulation and other Union law. |                 |
| Recital 27 |                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 36         | (27) Moreover, in order to avoid diverging practices of Member States and economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction                       | (27) Moreover, in order to avoid diverging practices of Member States and economic operators, <u>at the request of one or more Member States,</u> the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of | (27) Moreover, in order to avoid diverging practices of Member States and economic operators, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine whether certain construction products fall within the definition of construction                                                                                                                                                                                             |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            | product.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | construction product.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | product.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Recital 28 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 37         | <p>(28) In particular, in the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden</p> | <p>(28) <del>In particular,</del> In the case of energy-related products included in ecodesign working plans which are also construction products and for intermediary products, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. <del>This should be the case for instance for</del> <u>The intermediary products concerned are</u> heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery. For other products,</p> | <p>(28) <u>As this Regulation is developed in line with the framework of the [ESPR] but with its provisions adapted to to the sectorial specificities of construction products, it will be, with limited exceptions, the legal act used for harmonising all relevant aspects of construction products, including sustainability aspects even though these might also addressed through [the ESPR]. If there is a policy need which is identified horizontally within the framework of the [ESPR], the Commission should primarily use this Regulation for addressing those concerns in regard to construction products. Only in exceptional cases where requirements under this Regulation are insufficient or ineffective, and cannot be amended or complemented in a</u></p> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|  | <p>for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.</p> | <p>in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions.</p> | <p><u>reasonable time, [the ESPR] should be able to intervene in a complementary manner on construction products, provided the administrative cost entailed, including as a result of economic actors potentially becoming subject to two conformity assessment procedures, is shown to be reasonable.</u></p> <p><u>As an exception</u><del>In particular</del>, in the case of energy-related products included in ecodesign working plans which are also construction products and for <del>intermediary</del><u>intermediate</u> products <u>within the meaning of the [ESPR]</u>, with the exception of cement, priority for the setting of sustainability requirements will be given to the [ESPR]. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products, excluding building-integrated photovoltaic panels. This Regulation may still intervene in a complementary manner where needed, mainly in relation to safety aspects also taking account of other</p> |                 |



|            | Commission Proposal                                                                                                                                                       | EP Mandate                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|            |                                                                                                                                                                           |                                                                                                                                                                           | Union legislation on products such as on gas appliances, low voltage, and machinery. For other products, in order to avoid unnecessary burden for economic operators, the need may arise in future to determine the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to determine such conditions. |                 |
| Recital 29 |                                                                                                                                                                           |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 38         | (29) In order to create an incentive for compliance, the manufacturer of construction products should be liable for incorrect declarations of performance and conformity. | (29) In order to create an incentive for compliance, the manufacturer of construction products should be liable for incorrect declarations of performance and conformity. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Recital 30 |                                                                                                                                                                           |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| 39 | <p>(30) The increased use of re-manufactured products is part of a shift towards a more circular economy and a reduction of the environmental and carbon footprint of construction products. Moreover, the market of re-manufacturing is currently not very developed and requirements for remanufactured products vary widely amongst Member States. Therefore and to respect the subsidiarity principle, Member States should have the possibility to exempt re-manufactured products from the obligation to draw up a declaration of performance. Such exemption should however not be possible for products that are not suitable for remanufacturing or where interests of other Member States are at stake.</p> | <p>(30) The increased use of re-manufactured products is part of a shift towards a more circular economy and a reduction of the environmental and carbon footprint of construction products. Moreover, the market of re-manufacturing is currently not very developed and requirements for remanufactured products vary widely amongst Member States. Therefore and to respect the subsidiarity principle, Member States should have the possibility to exempt re-manufactured products from the obligation to draw up a declaration of performance. Such exemption should however not be possible for products that are not suitable for remanufacturing or where interests of other Member States are at stake.</p> | <p>(30) The increased <del>use of re-manufactured</del> <u>re-use of construction</u> products is part of a shift towards a more circular economy and a reduction of the environmental and carbon footprint of construction <del>products.</del> <del>Moreover,</del> The <u>second-hand market for construction products of re-manufacturing</u> is currently not very developed and requirements for <u>construction products which have previously been used</u> <del>remanufactured products</del> vary widely amongst Member States. Therefore, <u>used construction products, including other used items subject to this Regulation,</u> <del>and to respect the subsidiarity principle, Member States</del> should <del>have</del> <u>be subject to long-term harmonisation by establishing</u> the possibility to <del>exempt re-manufactured</del> <u>develop dedicated harmonised technical specifications under this Regulation. Such harmonised technical specifications should be applicable to used</u> products <del>from the obligation to draw up a</del></p> |                 |

|             | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|             |                     |            | <p><del>declaration of performance. Such exemption</del><u>and as long as the used product is not waste or has ceased to be waste. The adoption of dedicated harmonised technical specifications for used products</u> should <u>not prejudice the scope and definition of waste under Directive 2008/98/EC of the European Parliament and of the Council</u>. However, <u>products directly re-used in a construction work should not be considered as placed on the market again and therefore not be subject to any measures under this Regulation</u> <del>not be possible for products that are not suitable for remanufacturing or where interests of other Member States are at stake.</del></p> |                 |
| Recital 30a |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 39a         |                     |            | <p><u>(30a) In order to provide clarity about the width of the harmonized zone, it is important that all harmonised technical</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

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|             |                     |            | <u>specifications are explicit in whether they cover or excludes used products from its scope. The exclusion of used products from the scope of a harmonised technical specification should however not prevent economic operators from opting for the application of this Regulation as if the used product was new.</u>                                                                                                                                    |                 |
| Recital 30b |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 39b         |                     |            | <u>(30b) Used products which have undergone a transformative process going beyond checking, cleaning or repairing recovery operations ("remanufactured products") should still be considered as used products if the applicable harmonised technical specification deem the transformative process as non-essential to the product's performance. Remanufactured products should, regardless of the harmonised technical specification, benefit from not</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>having to include events before the products last de-installation when calculating its environmental impact over its life-cycle. Remanufactured products should also benefit from requirements or incentives that promote a high recycled content.</u>                                                                                                                                                                                                                                                                                                                              |                 |
| Recital 31 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 40         | (31) To enhance access to easily available and comprehensive information on construction products, thereby contributing to their safety, functionality and sustainability, it should be ensured that the declaration of performance provides all information necessary for users and authorities. In view of its utility for users, manufacturers should be able to include into that declaration additional information, provided that the declarations of performance remain uniform and easily readable and that they are not abused as advertisement. | (31) To enhance access to easily available and comprehensive information on construction products, thereby contributing to their safety, functionality and sustainability, it should be ensured that the declaration of performance provides all information necessary for users and authorities. In view of its utility for users, manufacturers should be able to include into that declaration additional information, provided that the declarations of performance remain uniform and easily readable and that they are not abused as advertisement. | (31) To enhance access to easily available and comprehensive information on construction products, thereby contributing to their safety, functionality and sustainability, it should be ensured that the declaration of performance <u>and conformity</u> provides all information necessary for users and authorities. In view of its utility for users, manufacturers should be able to include into that declaration additional information, provided that the declarations of performance <u>and conformity</u> remain uniform and easily readable and that they are not abused as |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | advertisement.  |                 |
| Recital 32 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |
| 41         | (32) To render the reuse and remanufacturing of construction and the use of surplus construction products nonetheless possible at large scale, an alleviated procedure for drawing up the declaration of performance should be set out for those construction products. In the case of surplus construction products, where alteration by use is excluded, the alleviated procedure should be limited to those cases where the initial manufacturer refuses to take responsibility for the surplus construction product, as it is always preferable that construction products remain under responsibility of the initial, competent manufacturer where they have not been altered. | (32) To render the reuse and remanufacturing of construction and the use of surplus construction products nonetheless possible at large scale, an alleviated procedure for drawing up the declaration of performance should be set out for those construction products. In the case of surplus construction products, where alteration by use is excluded, the alleviated procedure should be limited to those cases where the initial manufacturer refuses to take responsibility for the surplus construction product, as it is always preferable that construction products remain under responsibility of the initial, competent manufacturer where they have not been altered. | <i>deleted</i>  |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| <i>Recital 33</i> |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 42                | (33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents. | (33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and declarations of conformity should provide those declarations by electronic means, be authorised to provide those declarations by permalink to an unamendable document or to include in those declarations permalinks to unamendable documents. <u>In order to simplify supply chain communication, declarations of performance and declarations of conformity should additionally be made available in a machine-readable format. This would allow the user via an app to check conformity with the application rules of the Member State where the product is used. An important prerequisite for machine-readable declarations is a standardised IT format, which is required for each harmonised technical specification. The CEN Workshop Agreement CWA 17316</u> | (33) In order to reduce the burden for economic operators and in particular manufacturers, economic operators issuing declarations of performance and <u>conformity should be allowed to</u> <del>declarations of conformity should</del> provide those declarations by electronic means; <del>be authorised to provide those declarations</del> <u>including</u> by permalink to an unamendable document <del>or to include in those declarations permalinks to unamendable documents</del> <u>made accessible via a manufacturer's website or in the dedicated construction products database or system when available</u> . |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                      | Council Mandate | Draft Agreement |
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|             |                     | <u>"Smart CE marking for construction products" provides a basis for the development of harmonised XML formats for declarations of performance, which could be used to complement harmonised standards and harmonised technical specifications accordingly.</u>                                                 |                 |                 |
| Recital 33a |                     |                                                                                                                                                                                                                                                                                                                 |                 |                 |
| 42a         |                     | <u>(33a) Pending the revision of the harmonised technical specifications in accordance with this Regulation, the declarations of performance and conformity might contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information.</u> |                 |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| Recital 34 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 43         | <p>(34) In order for the manufacturers to demonstrate that the construction products benefitting from the free movement of goods fulfil relevant Union requirements, it is necessary to require a declaration of conformity complementing the declaration of performance, thus also bringing the regulatory system for construction products closer to Regulation (EC) No 765/2008. However, in order to minimise the potential administrative burden, the declaration of conformity and the declaration of performance should be combined and provided by electronic means. The administrative burden on SMEs should be further minimised through targeted simplification provisions, including on the use of appropriate technical documentation replacing type testing, permitting micro-enterprises to use the more lenient verification system and reducing the requirements for custom-made</p> | <p>(34) In order for the manufacturers to demonstrate that the construction products benefitting from the free movement of goods fulfil relevant Union requirements, it is necessary to require a declaration of conformity complementing the declaration of performance, thus also bringing the regulatory system for construction products closer to Regulation (EC) No 765/2008. However, in order to minimise the potential administrative burden, the declaration of conformity and the declaration of performance should be combined and provided by electronic means. The administrative burden on SMEs should be further minimised through targeted simplification provisions, including on the use of appropriate technical documentation replacing type testing, permitting micro-enterprises to use the more lenient verification system and reducing the requirements for custom-made</p> | <p>(34) In order for the manufacturers to demonstrate that the construction products benefitting from the free movement of goods fulfil relevant Union requirements, it is necessary to require a declaration of conformity complementing the declaration of performance, thus also bringing the regulatory system for construction products closer to Regulation (EC) No 765/2008. However, in order to minimise the potential administrative burden, the declaration of conformity and the declaration of performance should be combined <del>and provided by electronic means</del>. The administrative burden on SMEs should be further minimised through targeted simplification provisions, including <del>on the use of appropriate technical documentation replacing type testing, permitting micro-enterprises to use the more lenient verification system</del> <u>sharing test results, recognition of certificates,</u></p> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|  | <p>non-series products installed in an identified single construction work. The Member States should also have the possibility to exempt micro-enterprises which do not trade cross-border from the obligation to draw a declaration of performance.</p> | <p>non-series products installed in an identified single construction work. The Member States should also have the possibility to exempt micro-enterprises which do not trade cross-border from the obligation to draw a declaration of performance.</p> | <p><u>cascading of technical documentation and declaration without assessment</u>, and reducing the requirements for custom-made non-series products. <u>When such products are</u> installed in an identified single construction work. <del>The Member States</del> <u>exemptions from the obligation to draw up a declaration of performance and conformity</u> should <del>also have the possibility to exempt micro-enterprises which do not trade cross-border</del> <u>be possible</u>.</p> <p><u>In cases where a manufacturer fulfils the criteria for both the application of a simplified procedure and an exemptions</u> from the obligation to draw <u>up</u> a declaration of performance <u>and conformity, it should be given the opportunity to choose either, or to provide a declaration of performance and conformity without applying the simplified procedure, so as to better adapt its offer to the needs of potential customers</u>.</p> |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| Recital 35  |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 44          | (35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. | (35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance or conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. <u><i>A CE marking should be sufficient proof of the conformity of a product with the characteristics and requirements laid down by this Regulation. Member States should not therefore introduce any barriers to their markets based on characteristics and requirements that are not covered by the harmonised zone.</i></u> | (35) In order to reach alignment with other product legislation and subject to the general principles of Regulation (EC) No 765/2008, the CE marking should be affixed to construction products for which the manufacturer has drawn up a declaration of performance <del>or</del> <u>and</u> conformity. The manufacturer thereby takes the responsibility for the conformity of the product with the declared performance and applicable product requirements. |                 |
| Recital 35a |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

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| 44a         |                     | <u><i>(35a) Markings other than the CE marking, including private ones, might contain additional information that could help users to make an informed choice on which product would be best suited for the needs of their construction works.</i></u>                                                                                                                                      |                 |                 |
| Recital 35b |                     |                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
| 44b         |                     | <u><i>(35b) The procedural rights of all economic operators and natural or legal persons acting on their behalf in relation to measures, decisions or orders taken by competent national authorities should be ensured in line with Regulation (EU) 2019/1020. Member States should ensure that adequate appeal procedures against such measures, decisions or orders are in place.</i></u> |                 |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| Recital 36 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 45         | (36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators. | (36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply <del>and distribution</del> chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators. | (36) To ensure safety, functionality and sustainability of construction products, and by extension of construction works, all economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they place or make available on the market only construction products which are in compliance with the binding Union requirements. In order to improve the legal clarity, it is necessary to set explicitly the obligations of economic operators. |                 |
| Recital 37 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 46         | (37) It is necessary for manufacturers of construction products to determine the product type in a precise and unequivocal manner in order to ensure a precise                                                                                                                                                                                                                                                                                                                                       | (37) It is necessary for manufacturers of construction products to determine the product type in a precise and unequivocal manner in order to ensure a precise                                                                                                                                                                                                                                                                                                                                                  | (37) It is necessary for manufacturers of construction products to determine the product type in a precise and unequivocal manner in order to ensure a precise                                                                                                                                                                                                                                                                                                                                       |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|             | basis for assessing the compliance of such product with Union requirements. At the same time, in order to avoid circumvention of the applicable requirements, manufacturers should be prohibited from creating ever new product types where the products in question are, in view of the crucial characteristics, identical. | basis for assessing the compliance of such product with Union requirements. At the same time, in order to avoid circumvention of the applicable requirements, manufacturers should be prohibited from creating ever new product types where the products in question are, in view of the crucial characteristics, identical. | basis for assessing the compliance of such product with Union requirements. At the same time, in order to avoid circumvention of the applicable requirements, manufacturers should be prohibited from creating ever new product types where the products in question are, in view of the crucial characteristics, identical.                                                                                                                        |                 |
| Recital 37a |                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 46a         |                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                              | <u>(37a) On the internal market, the CE marking should be the only marking demonstrating compliance with assessment methods in relation to essential characteristics covered by harmonised technical specifications. In order to avoid market fragmentation and misleading claims resulting from the application of different assessment methods, the CE marking should be the only marking allowed on products covered by harmonised technical</u> |                 |

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|  |                     |            | <p><u>specification indicating that the product in question has been assessed in relation to the essential characteristics covered by harmonised technical specifications and is compliant with the applicable product requirements . The market for construction products faces a proliferation of markings which often create confusion and distrust among market players but also mislead consumers. The use of additional markings negatively impacts the probative value of the CE marking when based on assessment methods which are different than those defined in the relevant harmonised technical specifications. In addition, SMEs cannot always benefit from such markings, creating a distortion among market players and potentially hindering market access. These additional markings should therefore not be affixed on the products in combination with the CE marking. However, in order to limit distortions for products coming from or destined to the market of third countries, this prohibition should not apply to markings which indicate</u></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                        |                              | <u>conformity with legislation of third countries.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Recital 38 |                                                                                                                                                                                                                                                                                                                                                                                        |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 47         | (38) To avoid misleading claims, any claims made by manufacturers of construction products should either be based on an assessment method contained in harmonised technical specifications or, where no such assessment method exists, on methods representing the best available techniques, where no such assessment method provided by a harmonised technical specification exists. | <i>deleted</i>               | (38) To avoid misleading claims, any claims made by manufacturers of construction products should <del>either</del> be based on <del>an</del> assessment <del>method</del> <u>methods</u> contained in harmonised technical specifications or, <del>where no such assessment method exists, on methods representing the best available techniques, where no such</del> <u>European</u> assessment <del>method</del> <del>provided by a harmonised technical specification</del> <del>exists</del> <u>documents</u> . |                 |
| Recital 39 |                                                                                                                                                                                                                                                                                                                                                                                        |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 48         | (39) Technical documentation                                                                                                                                                                                                                                                                                                                                                           | (39) Technical documentation | (39) <u>Technical</u> documentation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|            | about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include an assessment of the environmental sustainability of the construction product.                                                                                 | about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include <del>an assessment of the environmental sustainability</del> <u>the essential characteristics related to life cycle</u> of the construction product.                         | about construction products, drawn by the manufacturer, facilitates the verification of those products by authorities and notified bodies against the Union requirements. To enhance access to comprehensive information, that technical documentation should include <u>the calculation substantiating the</u> <del>an</del> assessment of the environmental sustainability of the construction product.                                |                 |
| Recital 40 |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 49         | (40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, or also for use by consumers. To ensure that construction products can be traced | (40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, <del>or also for use by consumers</del> <u>particularly where expertise is needed in order</u> | (40) To create transparency for users of construction products and to avoid inappropriate use of those products, construction products and their intended use should be precisely identified by the manufacturer. <del>For the same reason, the manufacturer should make clear whether the construction products are intended for professional use only, or also for use by consumers.</del> To ensure that construction products can be |                 |

|            | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            | back, manufacturers should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it.                                      | <u>to use the product</u> . To ensure that construction products can be traced back, <u>information that enables manufacturers to be identified</u> should be indicated on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or, where that is not possible either, in a document accompanying it. | traced back, manufacturers should <u>indicate manufacturer-specific unique identification codes of the product type</u> <del>be indicated</del> on the product or, where this is not possible e.g. due to the product's size or surface, on its packaging or <u>on and affixed label, or</u> where that is not possible either, in a document accompanying it. |                 |
| Recital 41 |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                |                 |
| 50         | (41) To ensure that requirements of this Regulation are fulfilled, manufacturers should actively search, store and evaluate information and take appropriate measures where non-conformity or under-performance has been confirmed or where there is a risk. | (41) To ensure that requirements of this Regulation are fulfilled, manufacturers should actively search, store and evaluate information and take appropriate measures where non-conformity or under-performance has been confirmed or where there is a risk.                                                                                            | (41) To ensure that requirements of this Regulation are fulfilled, manufacturers should actively search, store and evaluate information and take appropriate measures where non-conformity or under-performance has been confirmed or where there is a risk.                                                                                                   |                 |
| Recital 42 |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                |                 |
| 51         |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|            | <p>(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to reach a fair level of environmental sustainability, both for their products and their manufacturing. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.</p> | <p>(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the manufacturers should be obliged to <del>reach a fair level of environmental sustainability, both for their products and</del> <u>ensure that both their products and manufacturing contribute significantly to the Union's climate and environmental objectives by substantially improving their manufacturing products' environmental footprint</u>. This obligation requires trade-off-decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the construction works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules.</p> | <p>(42) To optimise the pursuit of the goals of the European Green Deal and of the Circular Economy Action Plan, the <del>manufacturers</del> <u>Commission</u> should <del>be obliged to reach a fair level of</del> <u>have the possibility to specify inherent</u> environmental <del>sustainability, both for their products and their manufacturing. This obligation requires trade-off decisions between different environmental aspects and between environmental and safety aspects, whilst both environmental and safety aspects can relate to the product as such or to the</del> <u>requirements so that</u> construction <del>works. To give manufacturers certainty about how to make these trade-off decisions, this Regulation should set out clear trade-off rules</del> <u>products can reach a fair level of environmental sustainability</u>.</p> |                 |
| Recital 43 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| 52         | (43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for a very long time. Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts. | (43) With the goals of ensuring sustainability and durability of construction products, manufacturers should ensure that products can be used for <del>a very long time</del> <u>as long as possible</u> . Such long use requires adequate design, use of reliable parts, reparability of products, availability of information on repair and access to replacement parts. | (43) <del>With the goals of ensuring sustainability and durability of construction products, manufacturers</del> <u>This possibility</u> should ensure that products can be used for a very long time. <del>Such long use requires</del> <u>by, for instance, requiring</u> adequate design, use of reliable parts, reparability of products, <del>availability of information on repair and access to replacement</del> <u>and compatibility with spare</u> parts. |                 |
| Recital 44 |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 53         | (44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan, manufacturers should favour re-use, remanufacturing and recycling of their products. The (preparation for) re-use, remanufacturing and recycling require certain design,                            | (44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan <u>and the waste hierarchy</u> , manufacturers should <del>favour re-use</del> <u>prevent waste generation by facilitating and prioritising repair, re-use and</u> remanufacturing.                                                         | (44) In view of enhancing the circularity of construction products, in line with the goals of the Circular Economy Action Plan, <u>inherent product requirements</u> <del>manufacturers</del> should <u>also be able to</u> favour <u>recycled content or to prepare for the possible</u> re-use, remanufacturing and recycling of                                                                                                                                  |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|  | <p>namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in product databases or systems and on the manufacturer's websites, in addition to the instructions for use.</p> | <p><u>Manufacturers should increase resource efficiency through appropriate use of by-products and should, when products come to the end of their life, ensure</u> <del>and</del> recycling of their products. The (preparation for) re-use, remanufacturing and recycling require <del>certain</del> <u>specific</u> design <u>choices</u>, namely <del>by</del> facilitating the separation of <u>products</u>, components and materials at <u>de-installation, deconstruction and demolition and at</u> the later stage of recycling and avoiding mixed, blended or intricate materials <u>and substances of concern</u>. As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in <del>product databases or systems</del> <u>the Digital Product Passport</u> and on the manufacturer's websites <u>or by means of QR codes</u>, in addition to the instructions for use.</p> | <p><del>their</del> <u>construction</u> products. The (preparation for) re-use, remanufacturing and recycling require certain design, namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials. <del>As the usual instructions for use will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling, the necessary information in this regard should be made available in product databases or systems and on the manufacturer's websites, in addition to the instructions for use.</del></p> |                 |

|             | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| Recital 44a |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 53a         |                     |            | <p><u>(44a) The instructions for use and safety information is a vital tool to provide information suffice to make knowledgeable decisions on purchase installation, use, maintenance, dismantling, reuse and recycling of the product to a wide group in potential need of the information. Elements to be covered by instructions for use and safety information should therefore be specified in this Regulation and guidance on how to typically cover these elements in relation to a certain product should be possible to include in construction product performance standards. Such guidance should however not expand or restrict the responsibility for the manufacturer to provide information as set out in the Regulation. As instructions for use and safety information will not necessarily reach the economic operators in charge of (preparation for) re-use, remanufacturing and recycling,</u></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>the information in this regard should also be made available in the dedicated construction products databas or system .</u> |                 |
| Recital 45 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                |                 |
| 54         | (45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations and achieving the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled. | (45) To deliver safe, functional and environmentally sustainable construction products, it is necessary to establish comprehensive sustainability and safety obligations for manufacturers. Given the importance of these obligations,<br><u>general requirements on the gradual improvement of environmental performance, the preferred use of environmentally friendly materials, recycled content obligations and the availability of information on the use, repair, remanufacturing or recycling of products should be applicable to all manufacturers. In order to specify these requirements for certain product families or categories as well as to</u> | <i>deleted</i>                                                                                                                 |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                   |                                                                                                                                                                                                                                                                                                                                                                                                      | <p><u>set further requirements and to achieve</u> <del>and achieving</del> the right balance between the functionality, safety and sustainability, the Commission should be empowered to determine the conditions by delegated acts under which, for a specific product family or category, these obligations are fulfilled or presumed to be fulfilled.</p>                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| <i>Recital 46</i> |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 55                | <p>(46) Some construction products become waste though they were never used. To avoid this waste of resources, manufacturers should accept to regain, directly or via their importers and distributors, ownership of products that, after delivery onto a construction site or to the user, have not been used and are in a state equivalent to the one in which they were placed on the market.</p> | <p>(46) Some construction products become waste though they were never used. To avoid this waste of resources, manufacturers should accept to regain, directly or via their importers and distributors, ownership of products that, after delivery onto a construction site or to the user, have not been used and are in a state equivalent to the one in which they were placed on the market.</p> | <p>(46) Some construction products become waste though they were never used. To avoid this waste of resources, <u>the Regulation</u> <del>manufacturers</del> should <u>not affect the possibility for Member States to oblige manufacturers to</u> accept to regain, directly or via their importers and distributors, ownership of products that, after delivery onto a construction site or to the user, have not been used and are in a state equivalent to the one in which they were placed on the</p> |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement |
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| Recital 47 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| 56         | (47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements which might include the easily understandable traffic light labelling. | (47) In order to be able to make informed choices, users of construction products should be sufficiently well informed about the environmental performances of products, about their conformity with environmental requirements and of the degree of fulfilment of manufacturer's environmental obligations in this regard. Therefore, the Commission is empowered to adopt delegated acts to establish specific labelling requirements <del>which might include the easily understandable traffic light labelling.</del> | <i>deleted</i>  |                 |
| Recital 48 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| 57         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                   | (48) Certain manufacturer's obligations, such as assessment of environmental sustainability or giving preference to recyclable materials, can hardly be fulfilled in case of used, remanufactured or surplus products. Economic operators enabling reuse or undertaking remanufacturing should thus be exempted from these obligations, the more so as the reuse and remanufacturing are beneficial to the environment. | (48) Certain manufacturer's obligations, such as assessment of environmental sustainability or giving preference to recyclable materials, can hardly be fulfilled in case of used, remanufactured or surplus products. Economic operators enabling reuse or undertaking remanufacturing should thus be exempted from these obligations, the more so as the reuse and remanufacturing are beneficial to the environment. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                           |                 |
| <i>Recital 49</i> |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 58                | (49) The authorised representatives are often the only reachable persons in case of imported products whilst manufacturers often attribute to them very limited tasks and do not provide them with all the necessary information to effectively represent the manufacturers. Hence, the role and responsibilities of authorised representatives should be clarified                                                     | (49) The authorised representatives are often the only reachable persons in case of imported products whilst manufacturers often attribute to them very limited tasks and do not provide them with all the necessary information to effectively represent the manufacturers. Hence, the role and responsibilities of authorised representatives should be clarified                                                     | (49) The authorised representatives are often the only reachable persons in case of imported products whilst manufacturers often attribute to them very limited tasks and do not provide them with all the necessary information to effectively represent the manufacturers. Hence, the role and responsibilities of authorised representatives should be <u>clearly</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            | and strengthened.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | and strengthened.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>set out in this Regulation</u> <del>clarified and strengthened.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Recital 50 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 59         | <p>(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging</p> | <p>(50) An economic operator who <u>stores or</u> modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. <del>However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging</del></p> | <p>(50) An economic operator who modifies a product in such a way that its performance or safety might be affected should be subject to the obligations of manufacturers, to ensure the verification whether performance or safety of the product are still the same. However, this obligation should not be imposed on an economic operator who repackages products to make them available in another Member State, as otherwise secondary trade and thus free circulation of products would be hampered and repackaging in principle should not affect performance nor safety of the construction product. Still, and with the aim to preserve the performance and safety of products, the economic operator undertaking the repackaging</p> |                 |

|             | Commission Proposal                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|             | should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available. | <del>should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.</del> | should be responsible for the correct execution of these operations to ensure that the product is not damaged and that the users are still correctly informed in the language set out by the Member State where the products are made available.                                                                                                                                                                                                                                                                                                                |                 |
| Recital 50a |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 59a         |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                             | <u>(50a) Given its environmental effects, the calculation of the environmental sustainability of a construction product should also cover the packaging used or most likely to be used. The packaging of a product can also be vital to preserve its performance through the distribution chain to the user. Even though the packaging in itself is not included in other assessments of a product's performance, all economic operators should as part of their obligation to take necessary measures to ensure continued compliance of products with this</u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>Regulation be responsible for using packaging suitable for preserving the performance and the compliance with the products' requirements. The packaging could in itself pose a risk for users and the obligation to provide information on risks relating to the use of the product should take this into account.</u>                                                                                                                                                                            |                 |
| Recital 51 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 60         | (51) In order to increase compliance of manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, service providers, online market places and brokers should be empowered and requested to verify certain easily verifiable characteristics of products and their manufacturers, such as determination of product type and drawing up a comprehensive technical | (51) In order to increase compliance of manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, <u>fulfilment</u> service providers, online market places, <u>sellers</u> and brokers should be empowered and requested to verify <del>certain easily verifiable characteristics of products and their</del> <u>at a documentary level that</u> manufacturers, <del>such as</del> <u>determination of product type and</u> | (51) In order to increase compliance of manufacturers with the obligations under this Regulation and to contribute to addressing the identified shortcomings and improve the market surveillance, <u>fulfilment</u> service providers, <u>and</u> online market places <del>and brokers should be empowered and requested to verify certain easily verifiable characteristics of products and their manufacturers, such as</del> <u>determination of product type and</u> drawing up a comprehensive |                 |

|            | Commission Proposal                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                              | Draft Agreement |
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|            | documentation, and should actively contribute to ensuring that only compliant products reach the users.                                                                         | <del>drawing up a comprehensive</del> <u>have complied with their obligations as regards</u> technical documentation, and should <del>actively</del> contribute to ensuring that only compliant products reach the users.                                                                                                                                                                                                                                                                                                                                                                                                           | <del>technical documentation, and</del> should actively contribute to ensuring that only compliant products reach the users. |                 |
| Recital 52 |                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                              |                 |
| 61         | (52) In order to avoid that 3D-printing is used to circumvent the obligations under this Regulation, 3D-printing service providers should have certain information obligations. | (52) In order to avoid that <u>the obligations under this Regulation are circumvented in cases where the production technology, for example</u> 3D-printing, <u>could involve several different actors contributing to the design and manufacture of a construction product, it is necessary to clearly define the role of the manufacturer. The natural and legal person printing a construction product should take responsibility</u> <del>is used to circumvent the obligations</del> under this Regulation <u>for the whole product, unless there is another person who places the product on the market under his name or</u> | <i>deleted</i>                                                                                                               |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                              | <u>trademark or who takes responsibility for the product by issuing a declaration of performance and conformity</u> , <del>3D-printing service providers should have certain information obligations.</del>                                                                                                  |                 |                 |
| Recital 53 |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              |                 |                 |
| 62         | (53) The safe use of used and re-manufactured products often depends on precise information on their first use. Economic operator de-installing used products for re-use or remanufacturing should therefore take protocols on the place, conditions and presumed length of use of the de-installed product. | (53) The safe use of used and re-manufactured products often depends on precise information on their first use. Economic operator de-installing used products for re-use or remanufacturing should therefore take protocols on the place, conditions and presumed length of use of the de-installed product. | <i>deleted</i>  |                 |
| Recital 54 |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              |                 |                 |
| 63         |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              |                 |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                       | Council Mandate | Draft Agreement |
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|                   | (54) The performance and safety of products also depend on the components used and on the services provided by calibrators or other service providers for their design and manufacturing. For these reasons, certain obligations should be established for suppliers of components and service providers involved in the manufacturing of products. Where a non-compliance or risk might have been caused by a supplied component or service of a certain economic operator, the supplier or service provider should inform thereof his other clients who have received the same component or service, so that non-compliances and risks can be effectively tackled for other products too. | <i>deleted</i>                                                                   | <i>deleted</i>  |                 |
| <i>Recital 55</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                  |                 |                 |
| 64                | (55) Certain items used for construction have multiple potential purposes. Their                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (55) Certain items used for construction have multiple potential purposes. Their | <i>deleted</i>  |                 |



|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                   | <p>manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it (“pseudo product”), the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.</p> | <p>manufacturers should have the freedom to decide whether these items are intended for construction or not, also in order to avoid that they have to undergo performance and conformity assessment where not necessary. However, if they decide that a certain item is not intended for construction whilst it could be used for it, <u>it should be marked as <del>“pseudo product”</del> not for construction”</u>, and the manufacturers and other economic operators should ensure that it is not used in construction works. Otherwise some of the items would end up in construction whilst not fulfilling the requirements of this Regulation.</p> |                 |                 |
| <i>Recital 56</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 65                | <p>(56) For the same reason, where, however, manufacturers of items which can, by nature, be used for construction and for other purposes (“double use products”), do not explicitly exclude the use for</p>                                                                                                                                                                                                                                                                                                                                                                             | <p>(56) For the same reason, where, however, manufacturers of items which can, by nature, be used for construction and for other purposes (“double use products”), do not explicitly exclude the use for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>deleted</i>  |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                   | construction, they should fulfil the obligations under this Regulation for all the items of the respective type.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | construction, they should fulfil the obligations under this Regulation for all the items of the respective type.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| <i>Recital 57</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 66                | (57) To clarify the applicability of this Regulation to online and other distance sales, it should be defined under which conditions a certain product is deemed to be offered to clients in the Union. As online trade has a higher likelihood of non-compliance, Member States should make a special effort and designate a single centralised market surveillance authority for detecting distance sales offers targeting clients on their territory, so that the responsible market surveillance authorities can take appropriate measures. As the detection of such offers requires the knowledge of research specialists or dedicated artificial intelligence software, the detection task should be centralised and | (57) To clarify the applicability of this Regulation to online and other distance sales, it should be defined under which conditions a certain product is deemed to be offered to clients in the Union. As online trade has a higher likelihood of non-compliance, Member States should make a special effort and designate a single centralised market surveillance authority for detecting distance sales offers targeting clients on their territory, so that the responsible market surveillance authorities can take appropriate measures. As the detection of such offers requires the knowledge of research specialists or dedicated artificial intelligence software, the detection task should be centralised and | <i>deleted</i>  |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                   | entrusted to a single market surveillance authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | entrusted to a single market surveillance authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
| <i>Recital 58</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 67                | (58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock. Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts. | (58) Digital technologies, which provide a significant potential for reducing administrative burden and costs for economic operators and public authorities, while also fostering innovative and new business opportunities and models, are evolving at rapid pace. The uptake of digital technologies will also contribute significantly towards achieving the objectives of the Renovation Wave, including energy efficiency, life-cycle assessments and monitoring and of the building stock. <del>Accordingly, the Commission should be empowered to seize further opportunities of digitisation by implementing acts.</del> | <i>deleted</i>  |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                               | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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| <i>Recital 59</i> |                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                              |                 |
| 68                | (59) As harmonised standards developed for construction products (hereafter: construction products standards) are mostly mandatory, to create legal certainty, these standards should not only be in line with the relevant standardisation requests and with this Regulation, but also with the general principles of Union law. | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                               |                 |
| <i>Recital 60</i> |                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                              |                 |
| 69                | (60) In order to ensure a timely citation of references of construction products standards in the Official Journal of the European Union, the European Commission should be empowered to limit in scope or overrule deficient standards for purposes of legal effects under this Regulation by delegating acts instead of         | <i>deleted</i> | (60) In order to ensure a timely <del>citation</del> <u>publication</u> of references of construction <del>products</del> <u>product performance</u> standards <u>and European assessment documents</u> in the Official Journal of the European Union, the European Commission should, <u>where references to standards or European assessment documents</u> |                 |

|            | Commission Proposal                                        | EP Mandate                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|            | refusing to cite their references in the Official Journal. |                                 | <u>otherwise cannot be published, have the possibility to publish these references with restrictions of their</u> <del>be empowered to limit in scope or overrule deficient standards for purposes of</del> legal effects under this Regulation <del>by delegating acts instead of refusing to cite their</del> . <u>It should be possible for such restrictions to cover, for example, outdated references to other standards or documents, provisions which contradict this Regulation or other Union law, provisions which contradict other harmonised standards the references of which have already been published in the Official Journal, or provisions which are not in conformity with the demands to be met in relation to the basic principles and reference points set out in a standardisation request.</u> |                 |
| Recital 61 |                                                            |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 70         | (61) To ensure the coherence of                            | (61) To ensure the coherence of | (61) To ensure the coherence of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|             | the system, this Regulation should build on the horizontal legal framework for standardisation. Hence, Regulation (EU) No 1025/2012 should also apply to the extent possible to standards rendered mandatory in accordance with this Regulation. Regulation (EU) No 1025/2012 is thus to provide, among others, for a procedure for objections to harmonised construction products standards where those standards do not entirely satisfy the requirements set out in the relevant standardisation request or other requirements of this Regulation. | the system, this Regulation should build on the horizontal legal framework for standardisation. Hence, Regulation (EU) No 1025/2012 should also apply to the extent possible to standards rendered mandatory in accordance with this Regulation. Regulation (EU) No 1025/2012 is thus to provide, among others, for a procedure for objections to harmonised construction products standards where those standards do not entirely satisfy the requirements set out in the relevant standardisation request or other requirements of this Regulation. | the system, this Regulation should build on the horizontal legal framework for standardisation. Hence, Regulation (EU) No 1025/2012 should also apply to the extent possible to standards rendered mandatory in accordance with this Regulation. Regulation (EU) No 1025/2012 is thus to provide, among others, for a procedure for objections to <del>harmonised</del> construction <del>products</del> <u>product performance</u> standards where those standards do not entirely <u>conform with applicable legal requirements or</u> satisfy the <del>requirements set out in the relevant standardisation request or other</del> <u>demands to be met in relation to the essential characteristics to be covered in view of the basic</u> requirements <del>of this Regulation</del> <u>for construction works</u> . |                 |
| Recital 61a |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 70a         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>(61a) When setting up guidelines</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>on the appropriate form and content of standards, the Commission should build on the important work already done in the EC Guidelines for hENs under the CPR as of 28/06/2018, which has been presented by the Commission in the framework of the Joint Initiative on Standardisation.</u>                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Recital 62 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 71         | (62) As they are not acts of general applicability but the first step of a two steps administrative procedure leading to the CE marking, European assessment documents should not qualify as harmonised technical specifications. However, basic principles of the elaboration of harmonised standards, such as transparency for competitors, can and should also apply to European assessment documents. Moreover, the European assessment documents should be referred to in | (62) As they are not acts of general applicability but the first step of a two steps administrative procedure leading to the CE marking, European assessment documents should not qualify as harmonised technical specifications. However, basic principles of the elaboration of harmonised standards, such as transparency for competitors, can and should also apply to European assessment documents. Moreover, the European assessment documents should be referred to in | (62) As they are not acts of general applicability but the first step of a two steps administrative procedure leading to the CE marking, European assessment documents should not qualify as harmonised technical specifications. However, basic principles of the elaboration of harmonised standards, such as transparency for competitors, can and should also apply to European assessment documents. Moreover, the European assessment documents should be referred to in |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|            | performance and conformity assessment procedures in the same way as harmonised standards. Hence and to avoid lengthy repetition of provisions, the principal rules on harmonised standards should also apply to European assessment documents. To create transparency for competitors, European assessment documents should be made publicly available and the references of all European assessment documents should be published in the Official Journal. | performance and conformity assessment procedures in the same way as harmonised standards. Hence and to avoid lengthy repetition of provisions, the principal rules on harmonised standards should also apply to European assessment documents. To create transparency for competitors, European assessment documents should be made publicly available and the references of all European assessment documents should be published in the Official Journal. | performance and conformity assessment procedures in the same way as <del>harmonised standards.</del> <del>Hence and to avoid lengthy repetition of provisions, the principal rules on</del> <u>harmonised construction product performance</u> standards <del>should also apply to European assessment documents.</del> To create transparency for competitors, European assessment documents should be made publicly available and the references of all European assessment documents should be published in the Official Journal. |                 |
| Recital 63 |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 72         | (63) Currently, the increasing number of hardly distinguishable European assessment documents which often have little added value when compared to others or existing harmonised standards, risks to slow down their publication. In order to deal with this risk in a cost-effective way,                                                                                                                                                                  | (63) Currently, the increasing number of hardly distinguishable European assessment documents which often have little added value when compared to others or existing harmonised standards, risks to slow down their publication. In order to deal with this risk in a cost-effective way,                                                                                                                                                                  | (63) Currently, the increasing number of hardly distinguishable European assessment documents which often have little added value when compared to others or existing harmonised standards, risks to slow down their publication. In order to deal with this risk in a cost-effective way,                                                                                                                                                                                                                                           |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|            | certain principles for the development and adoption of European assessment documents should be established or be made more concrete. Moreover, the control by the Commission should be enhanced.                                                                                                                                                   | certain principles for the development and adoption of European assessment documents should be established or be made more concrete. Moreover, the control by the Commission should be enhanced.                                                                                                                                                   | certain principles for the development and adoption of European assessment documents should be established or be made more concrete. Moreover, the control by the Commission should be enhanced.                                                                                                                                                   |                 |
| Recital 64 |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                 |
| 73         | (64) The requirements applicable to designating authorities of Technical Assessment Bodies (TABs) should not fall behind those applicable to notifying authorities given the similarities between their respective roles. For the same reason, TABs should have the same degree of independence and control of decision-making as notified bodies. | (64) The requirements applicable to designating authorities of Technical Assessment Bodies (TABs) should not fall behind those applicable to notifying authorities given the similarities between their respective roles. For the same reason, TABs should have the same degree of independence and control of decision-making as notified bodies. | (64) The requirements applicable to designating authorities of Technical Assessment Bodies (TABs) should not fall behind those applicable to notifying authorities given the similarities between their respective roles. For the same reason, TABs should have the same degree of independence and control of decision-making as notified bodies. |                 |
| Recital 65 |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                 |
| 74         |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                    |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|  | <p>(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, for which the tool of a qualification matrix has proven to be most efficient; to ensure and verify that the notified body is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor, subsidiary or another company belonging to the same family of companies; and to enlarge the documentation to be provided by bodies when applying for designation as notified body so</p> | <p>(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements; to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, <del>for which the tool of a qualification matrix has proven to be most efficient;</del> to ensure <del>and verify</del> that the <del>notified body is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor</del> <u>of the notified body is sufficient and independent, subsidiary or another company belonging to the same family of companies;</u> and to enlarge the documentation to be provided by</p> | <p>(65) In order to respond to a noteworthy percentage of notifications which were based on incomplete or erroneous assessments, in particular where legal bodies without own in-house technical competence were notified, it is necessary <del>to strengthen the resources capacity of notifying authorities, namely by setting up minimum requirements;</del> to make requirements for notified bodies more precise, namely with regard to their independence, delegation to other legal entities and own ability to perform; to require <u>sufficient</u> adequate qualified staffing of notified bodies and to verify the adequacy of the staffing, for which <del>the tool of</del> a qualification matrix <del>has proven to be most efficient</del> <u>can be an efficient tool</u>; to ensure and verify that the notified body is effectively in control of staffing, attribution of external experts, procedures, criteria and decision making, and not a subcontractor, subsidiary or another company belonging to the same family of companies; and to enlarge the documentation to be provided by bodies when applying</p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|            | as to provide a deeper and comparatively fairer basis for decision to notifying authorities.                                                                                                                                                                                                                                                                                                                                              | bodies when applying for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.                                                                                                                                                                                                                                                                                     | for designation as notified body so as to provide a deeper and comparatively fairer basis for decision to notifying authorities.                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Recital 66 |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 75         | (66) To counter a common deficient practice of accreditation bodies, it is necessary to ensure that accreditation bodies take as a basis for accreditation this Regulation and not the often deviating standards. It also important to ensure that the accreditation bodies assess the ability of the applicant body and not of a group of companies, as it is the applicant body itself that must be in control of future certification. | (66) To counter a common deficient practice of accreditation bodies, it is necessary to ensure that accreditation bodies take as a basis for accreditation this Regulation and not the often deviating standards. It also important to ensure that the accreditation bodies assess the ability of the applicant body and not of a group of companies, as it is the applicant body itself that must be in control of future certification. | (66) <del>To counter a common deficient practice of accreditation bodies, it is necessary to ensure that accreditation bodies take as a basis for accreditation</del> <u>In order to preserve the correct application of</u> this Regulation <del>and not the often deviating standards. It also</del> <u>by notified bodies, it is</u> important to ensure that the accreditation bodies assess the ability of the applicant body and not of a group of companies, as it is the applicant body itself that must be in control of future certification. |                 |
| Recital 67 |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

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| 76         | (67) To reach a level playing field and to avoid legal uncertainty, the obligations of notified bodies should be more clearly defined and rendered explicit, and this both for their assessment and verification activities and the related aspects. | (67) To reach a level playing field and to avoid legal uncertainty, the obligations of notified bodies should be more clearly defined and rendered explicit, and this both for their assessment and verification activities and the related aspects.                      | (67) To reach a level playing field and to avoid legal uncertainty, the obligations of notified bodies should be more clearly defined and rendered explicit, and this both for their assessment and verification activities and the related aspects. |                 |
| Recital 68 |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                      |                 |
| 77         | (68) In order to avoid involvement between notified bodies' staff and the manufacturers, notified bodies should ensure rotation between the personnel carrying out different conformity assessment tasks.                                            | (68) In order to avoid involvement between notified bodies' staff and the manufacturers, <u>it should be possible for the</u> notified bodies <del>should ensure</del> <u>to allow</u> rotation between the personnel carrying out different conformity assessment tasks. | <i>deleted</i>                                                                                                                                                                                                                                       |                 |
| Recital 69 |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                      |                 |
| 78         |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                      |                 |

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|            | (69) Authorities of Member States might have questions that only a certain notified body can answer. Notified bodies should thus respond also to the questions authorities of other Member States may have.                                                                                                                                                                                                                                                                                                                                      | (69) Authorities of Member States might have questions that only a certain notified body can answer. Notified bodies should thus respond also to the questions authorities of other Member States may have.                                                                                                                                                                                                                                                                                                                                      | (69) Authorities of Member States might have questions that only a certain notified body can answer. Notified bodies should thus respond also to the questions authorities of other Member States may have.                                                                                                                                                                                                                                                                                                                                      |                 |
| Recital 70 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 79         | (70) To enable all authorities an easier identification of non-compliances of notified bodies, manufacturers and products, and to ensure a level playing field, notified bodies should be empowered, and where the non-compliance can be clearly demonstrated even obliged to, proactively forward information on non-compliances to relevant market surveillance authorities or notifying authorities. Notified bodies should however not trespass the information obligation by investigating other operators than their own clients or peers. | (70) To enable all authorities an easier identification of non-compliances of notified bodies, manufacturers and products, and to ensure a level playing field, notified bodies should be empowered, and where the non-compliance can be clearly demonstrated even obliged to, proactively forward information on non-compliances to relevant market surveillance authorities or notifying authorities. Notified bodies should however not trespass the information obligation by investigating other operators than their own clients or peers. | (70) To enable all authorities an easier identification of non-compliances of notified bodies, manufacturers and products, and to ensure a level playing field, notified bodies should be empowered, and where the non-compliance can be clearly demonstrated even obliged to, proactively forward information on non-compliances to relevant market surveillance authorities or notifying authorities. Notified bodies should however not trespass the information obligation by investigating other operators than their own clients or peers. |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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| Recital 71 |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 80         | (71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, participation thereto should thus become mandatory. | (71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, <del>participation thereto</del> <u>directly or by means of designated representatives</u> , should <del>thus become mandatory</del> <u>be ensured by Member States</u> . | (71) In view of creating a level playing field for notified bodies and manufacturers, the coordination amongst notified bodies should be enhanced. As only half of the current notified bodies participate on their own initiative in the activities of the already currently existing notified body coordination group, participation thereto should thus become mandatory. |                 |
| Recital 72 |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 81         | (72) The attempts of establishing simplified procedures for small and medium-sized enterprises in                                                                                                                                                                                                                                                                            | (72) The attempts of establishing simplified procedures for <del>small and medium-sized</del>                                                                                                                                                                                                                                                                                                                                                                                                      | (72) The attempts of establishing simplified procedures for small and medium-sized enterprises in                                                                                                                                                                                                                                                                            |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|            | Regulation (EU) No 305/2011 and thus reducing the burden and costs on SMEs and microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting SMEs while ensuring performance, safety and environmental sustainability of construction products. | <del>enterprises</del> <u>microenterprises</u> in Regulation (EU) No 305/2011 and thus reducing the burden and costs on <del>SMEs and</del> microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting <del>SMEs</del> <u>microenterprises</u> while ensuring performance, safety and environmental sustainability of construction products. | Regulation (EU) No 305/2011 and thus reducing the burden and costs on SMEs and microenterprises have not been entirely effective and have often remained misunderstood or not used due to the lack of awareness or the lack of clarity regarding their application. By addressing the identified shortcomings while building on the previously established rules, it is necessary to clarify and facilitate their application and hence achieve the objective of supporting SMEs while ensuring performance, safety and environmental sustainability of construction products. |                 |
| Recital 73 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 82         | (73) The recognition of test results obtained by another manufacturer, provided for in Article 36(1)(b) of Regulation (EU) No 305/2011, should be generalised, in order to generally reduce the burden of                                                                                                                                                                                                                                                                                                                                                                      | (73) The recognition of test results obtained by another manufacturer, provided for in Article 36(1)(b) of Regulation (EU) No 305/2011, should be generalised, in order to generally reduce the burden of                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (73) The <u>sharing and</u> recognition of test results obtained by another manufacturer, provided for in Article 36(1)(b) of Regulation (EU) No 305/2011, should be generalised, in order to generally                                                                                                                                                                                                                                                                                                                                                                        |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|            | economic operators and namely manufacturers. Such recognition mechanism is particularly needed to avoid multiple assessment of environmental sustainability of raw materials, interim products and final products.                                                                                                          | economic operators and namely manufacturers. Such recognition mechanism is particularly needed to avoid multiple assessment of environmental sustainability of raw materials, interim products and final products.                                                                                                                                                                                                                                                                     | reduce the burden of economic operators and namely manufacturers. Such recognition mechanism is particularly needed to avoid multiple assessment of environmental sustainability of raw materials, interim products and final products.                                                                                     |                 |
| Recital 74 |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                             |                 |
| 83         | (74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where both the two involved economic operators and the two involved notified bodies commit to cooperate and where the economic operator obtaining certification is in technical command of the product. | (74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where <del>both the two involved</del> <u>the assessed and verified</u> economic operators <del>and the two involved notified bodies</del> <u>commit</u> <u>agree</u> to cooperate <del>and where the economic operator obtaining certification is in technical command of the product</del> <u>with the recognised notified body, and share the data with it.</u> | (74) To ensure legal certainty in case of safety or performance problems, such recognition should only be permitted where both the two involved economic operators and the two involved notified bodies commit to cooperate and where the economic operator obtaining certification is in technical command of the product. |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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| Recital 75 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 84         | (75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on possible non-compliances through a complaint portal. | (75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation <u>and under relevant Union law</u> in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on <del>possible non-compliances</del> <u>non-compliance</u> through a complaint portal <u>established and maintained by the Commission</u> . | (75) The evaluation of Regulation (EU) No 305/2011 showed that market surveillance activities carried out at national level, widely vary in quality and effectiveness. In addition to measures set out in this Regulation in favour of better market surveillance, the compliance of economic operators, bodies and products with this Regulation should be facilitated by also involving third parties such as by the possibility of any natural or legal person to submit information on possible non-compliances through a complaint portal. |                 |
| Recital 76 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 85         | (76) To address the identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (76) To address the identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                   | shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.                                                                                                                                                                                                                                                          | shortcomings with regards to the market surveillance under Regulation (EU) No. 305/2011, this Regulation should contain more <i>justified</i> empowerments for Member States authorities and for the Commission that should enable authorities to act under all potential problematic circumstances.                                                                                                                                                                                                                                         | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| <i>Recital 77</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 86                | (77) Market surveillance practice has proved that when evaluating products, at a certain point in time, there is a risk of non-compliance but no non-compliance incidence whereas, at a later point in time, the opposite is to be stated. Moreover, there are situations where there is a non-compliance other than a formal one that does not trigger a risk. For these reasons, Member States should be empowered to act in all cases of suspected non-compliance or risk, whilst the definition of ‘product presenting a risk’ has to be | (77) Market surveillance practice has proved that when evaluating products, at a certain point in time, there is a risk of non-compliance but no non-compliance incidence whereas, at a later point in time, the opposite is to be stated. Moreover, there are situations where there is a non-compliance other than a formal one that does not trigger a risk. For these reasons, Member States should be empowered to act in all cases of suspected non-compliance or risk, whilst the definition of ‘product presenting a risk’ has to be | (77) Market surveillance practice has proved that when evaluating products, at a certain point in time, there is a risk of non-compliance but no non-compliance incidence whereas, at a later point in time, the opposite is to be stated. Moreover, there are situations where there is a non-compliance other than a formal one that does not trigger a risk. For these reasons, Member States should be empowered to act in all cases of suspected non-compliance or risk, whilst the definition of ‘product presenting a risk’ has to be |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                       | Draft Agreement |
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|            | extended to include risk for the environment. It is necessary to offer Member States enough procedural flexibility to distinguish between high and low priority cases of non-compliance, whilst all Member States should also be informed about less important cases.                                                                                                                                                                                                                                        | extended to include risk for the environment. It is necessary to offer Member States enough procedural flexibility to distinguish between high and low priority cases of non-compliance, whilst all Member States should also be informed about less important cases. | extended to include risk for the environment. It is necessary to offer Member States enough procedural flexibility to distinguish between high and low priority cases of non-compliance, whilst all Member States should also be informed about less important cases. |                 |
| Recital 78 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                       |                 |
| 87         | (78) To ensure effective enforcement of the requirements and to strengthen market surveillance in Member States, as well as to ensure alignment with the Ecodesign for Sustainable Products Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed by the market surveillance authorities on specific product group or family or in relation to specific requirements and to establish minimum | <i>deleted</i>                                                                                                                                                                                                                                                        | <i>deleted</i>                                                                                                                                                                                                                                                        |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|                   | resources requirements.                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| <i>Recital 79</i> |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 88                | (79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators. | (79) In addition, to strengthen the on average weak capacities of market surveillance authorities in terms of market surveillance and to further align with the Ecodesign for Sustainable Products Regulation, it is necessary <u>to</u> provide more detailed administrative coordination support and to provide them with the right to retrieve costs of inspections and testing from economic operators <u>if they are in possession of non-compliant products</u> . | <i>deleted</i>  |                 |
| <i>Recital 80</i> |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 89                | (80) To create an incentive for increasing the capacities of market                                                                                                                                                                                                                                                                                                                               | (80) To create an incentive for increasing the capacities of market                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                   | surveillance authorities in terms of market surveillance and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States should report on their market surveillance activities regarding products covered by this Regulation, including regarding the penalties imposed.                                                                                                                            | surveillance authorities in terms of market surveillance and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States should report on their market surveillance activities regarding products covered by this Regulation, including regarding the penalties imposed.                                                                                                                                                                                                                                   | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| <i>Recital 81</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 90                | (81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. | (81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. <u>Member States should also raise economic operators' awareness of the product contact points for</u> | (81) To better serve economic operators, product contact points for construction should become more effective and therefore should obtain more resources. In order to facilitate the work of economic operators, the tasks of product contact points for construction should be fine-tuned and extended so as to include information on product related provisions of this Regulation and on acts adopted in accordance with it. |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u><i>construction within their territory.</i></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Recital 82 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 91         | (82) It is necessary to establish an appropriate, efficient and cost-effective coordination mechanism to ensure a consistent application of the obligations and requirements set and to strengthen the overall system, also taking into consideration the fact that new interpretative questions may arise in relation to safety and sustainability of products and construction works. As diverging decisions create an uneven playing field, contribute to rendering the legal framework more complex, create barriers to the free movement of the internal market and additional administrative burden and costs on economic operators, such diverging decisions should be prevented by that coordination mechanism. | (82) It is necessary to establish an appropriate, efficient and cost-effective coordination mechanism to ensure a consistent application of the obligations and requirements set and to strengthen the overall system, also taking into consideration the fact that new interpretative questions may arise in relation to safety and sustainability of products and construction works. As diverging decisions create an uneven playing field, contribute to rendering the legal framework more complex, create barriers to the free movement of the internal market and additional administrative burden and costs on economic operators, such diverging decisions should be prevented by that coordination mechanism. | (82) It is necessary to establish an appropriate, efficient and cost-effective coordination mechanism to ensure a consistent application of the obligations and requirements set and to strengthen the overall system, also taking into consideration the fact that new interpretative questions may arise in relation to safety and sustainability of products and construction works. As diverging decisions create an uneven playing field, contribute to rendering the legal framework more complex, create barriers to the free movement of the internal market and additional administrative burden and costs on economic operators, such diverging decisions should be prevented by that coordination mechanism. |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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| Recital 83 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 92         | (83) In particular, a European information system should therefore be established to collect interpretative questions, to find appropriate common solutions and to improve the sharing of information in this regard. To facilitate information sharing, such a system should rely on national systems. These national systems should also identify cases of uneven application of this Regulation, to ensure that diverging practices do not become a common practice and permanent. | (83) In particular, a European information system should therefore be established to collect interpretative questions, to find appropriate common solutions and to improve the sharing of information in this regard. To facilitate information sharing, such a system should rely on national systems. These national systems should also identify cases of uneven application of this Regulation, to ensure that diverging practices do not become a common practice and permanent. | (83) In particular, a European information system should therefore be established to collect interpretative questions, to find appropriate common solutions and to improve the sharing of information in this regard. To facilitate information sharing, such a system should rely on national systems. These national systems should also identify cases of uneven application of this Regulation, to ensure that diverging practices do not become a common practice and permanent.<br><u><i>The European information system should also deal with issues raised related to the emergence of new products or business models, unforeseen situations and to situations in which other provisions of Union law also apply.</i></u> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| Recital 84 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 93         | (84) The centralised registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a centralised Union construction products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as appropriate. | (84) The <del>centralised</del> registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a <del>centralised Union</del> construction <del>products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue any of these paths, as</del> <u>appropriate digital product passport and a construction product passport registry.</u> | (84) The centralised registration of product information increases transparency to the benefit of safety of products and the protection of the environment and human health while also reducing administrative burden and costs for economic operators. Accordingly, the power to adopt acts in accordance with Article 291 TFEU should be delegated to the Commission to establish a <del>centralised</del> Union construction products database or system. At this point in time it is not possible to assess the advantages and disadvantages of possible solutions, the Commission should thus be empowered to pursue <u>possible solutions, as appropriate, as long as they delivers certain specified functionalities, comply with a set of technical requirements, and are compatible with the registry implemented by the [ESPR]</u> <del>any of these paths, as appropriate.</del> |                 |



|             | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| Recital 84a |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 93a         |                     |            | <p><u>(84a) To improve machine readability, it is necessary to establish a common data dictionary based on European standards, a tool to govern and publish the data structure and their meaningful definitions and descriptions for all relevant construction products. For each product family or category, the data dictionary should include all the essential characteristics and other properties as set out in the harmonised technical specifications as well as other information required according to this regulation. A data dictionary harmonised at the EU level allows for the classification and use of structured definitions by both market surveillance authorities and in the further digitalisation of the construction sector, in particular in Building Information Modelling, building</u></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| Recital 85 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 94         | (85) To improve their level of competence, harmonise their decision making and create a level playing field for economic operators, trainings should be organised for market surveillance authorities, product contact points for cConstruction, designating authorities, TABs, notifying authorities, and notified bodies. The same goals should also be pursued by exchanges of staff between the market surveillance authorities, notifying authorities and notified bodies of two or more Member States. | (85) To improve their level of competence, harmonise their decision making and create a level playing field for economic operators, trainings should be organised for market surveillance authorities, product contact points for cConstruction, designating authorities, TABs, notifying authorities, and notified bodies. The same goals should also be pursued by exchanges of staff between the market surveillance authorities, notifying authorities and notified bodies of two or more Member States. | (85) To improve their level of competence, harmonise their decision making and create a level playing field for economic operators, trainings should be organised for market surveillance authorities, product contact points for <del>eConstruction</del> <u>construction</u> , designating authorities, <del>TABs</del> , notifying authorities, and <u>representatives of</u> notified bodies <u>and TABs</u> . The same goals should also be pursued by exchanges of staff between the market surveillance authorities, notifying authorities and notified bodies of two or more Member States. |                 |
| Recital 86 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| 95 | <p>(86) Member States do not always have the technical competence to fulfil all obligations incumbent on them in accordance with Union legislation cumulatively for all product sectors. They therefore obtain informal support, from other bigger Member States. Since such support is unavoidable in some cases and advisable in others, this Regulation should set out the basic rules for such support, namely to clarify responsibilities. Moreover, Member States are challenged by the increasing technical complexity of products and the legislation applicable with regard to all aspects and product sectors cumulatively, which indicates a potential for better results by virtue of specialisation and work-sharing amongst Member States. This Regulation should therefore both reflect the particular situation of the Member States and allow exploring the potential added value of specialisation and work-sharing amongst any Member States.</p> | <p>(86) Member States do not always have the technical competence to fulfil all obligations incumbent on them in accordance with Union legislation cumulatively for all product sectors. They therefore obtain informal support, from other bigger Member States. Since such support is unavoidable in some cases and advisable in others, this Regulation should set out the basic rules for such support, namely to clarify responsibilities. Moreover, Member States are challenged by the increasing technical complexity of products and the legislation applicable with regard to all aspects and product sectors cumulatively, which indicates a potential for better results by virtue of specialisation and work-sharing amongst Member States. This Regulation should therefore both reflect the particular situation of the Member States and allow exploring the potential added value of specialisation and work-sharing amongst any Member States.</p> | <p>(86) Member States do not always have the technical competence to fulfil all obligations incumbent on them in accordance with Union legislation cumulatively for all product sectors. They therefore obtain informal support, from other <del>bigger</del> Member States. Since such support is unavoidable in some cases <del>and advisable in others</del>, this Regulation should set out the basic rules for such support, namely to clarify responsibilities. <del>Moreover, Member States are challenged by the increasing technical complexity of products and the legislation applicable with regard to all aspects and product sectors cumulatively, which indicates a potential for better results by virtue of specialisation and work-sharing amongst Member States. This Regulation should therefore both reflect the particular situation of the Member States and allow exploring the potential added value of specialisation and work-sharing amongst any Member States.</del></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| Recital 87 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 96         | (87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some empowerments for international cooperation should be provided for in this Regulation. | (87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some <del>empowerments for international cooperation should be provided for in this Regulation</del> <u>provision should be made in this Regulation for the Commission to engage in international cooperation</u> . | (87) Business on construction products becomes slowly but steadily more and more international. Hence, situations arise where non-compliances of economic operators based outside the Union need to be countered as well. <del>As third countries hardly are ready to support the enforcement of Union law on their territory where the Union does not in return provide for the possibility to assist them, some empowerments for</del> <u>Provisions on</u> international cooperation should <u>therefore</u> be provided for in this Regulation. |                 |
| Recital 88 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 97         | (88) A certain number of third                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (88) A certain number of third                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (88) A certain number of third                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|  | <p>countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database or system, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.</p> | <p>countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible, <u>after consultation with Member States</u>, to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database <del>or system</del>, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.</p> | <p>countries applies Union product legislation or at least recognises certificates issued in accordance with it, be it on the basis of international agreements or unilaterally, both being in the interest of the Union. In order to give these third countries an incentive to continue this practice and other third countries to do the same, certain additional possibilities should be provided, <u>on a case-by-case basis</u>, to third countries applying Union product legislation or recognising certificates issued in accordance with it. For this reason, it should be possible to support these particularly cooperative third countries by allowing them to participate in certain trainings and to participate in the EU construction products database or system, to the information system for harmonised decision-making and to the information exchange amongst authorities. Moreover, for the same reason, it should be possible to inform these particularly cooperative third countries about non-compliant or risky products.</p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Recital 89 |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 98         | (89) In order to incentivise the use of sustainable construction products whilst avoiding market distortions and to remain in line with the Ecodesign for Sustainable Products Regulation, incentives for the use of sustainable construction products provided by Member States should target the most sustainable products and be embedded in an exchange of information amongst Member States. | (89) In order to incentivise the use of sustainable construction products whilst avoiding market distortions and to remain in line with the Ecodesign for Sustainable Products Regulation, incentives for the use of sustainable construction products provided by Member States should target the most sustainable products and be embedded in an exchange of information amongst Member States. | (89) In order to incentivise the use of sustainable construction products whilst avoiding market distortions and to remain in line with the Ecodesign for Sustainable Products Regulation, incentives for the use of sustainable construction products provided by Member States should target the most sustainable products <del>and be embedded in an exchange of information amongst.</del> <u>The Commission should furthermore have the possibility to coordinate Member States incentives in order to boost the demand of certain environmentally sustainable products.</u> |                 |
| Recital 90 |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 99         |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|  | <p>(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts set out by implementing acts should be established according to objective, transparent and non-discriminatory criteria.</p> | <p>(90) In order to enhance the use of sustainable construction products whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant products. Requirements applicable to public procurement contracts – <u>that are specifically tendered as green public procurement contracts</u> set out <del>by implementing acts</del> <u>in delegated acts</u> should be established <del>according to</del> <u>by the Commission based on</u> objective, transparent and non-discriminatory criteria, <u>taking into consideration the specific constraints of small local authorities and the needs of SMEs</u>.</p> | <p>(90) <u>Public procurement amounts to 14% of the Union's GDP.</u> In order to enhance the use of sustainable construction products, <u>which would contribute to the objective of reaching climate neutrality, improve energy and resource efficiency and in the transition to a circular economy that protects</u> <del>whilst avoiding market distortions and to reach alignment with the Ecodesign for Sustainable Products Regulation, Member States' public procurement practice should target the most sustainable amongst the compliant</del> <u>health and biodiversity, and to reach alignment with the Ecodesign for Sustainable Products. Requirements applicable to Regulation, Member States' public procurement contracts set out by implementing acts – practices</u> <del>should be established according to objective, transparent and non-discriminatory criteria</del> <u>comply with minimum mandatory environmental sustainability requirements</u>.</p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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| Recital 91 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 100        | <p>(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be required to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups, should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage</p> | <p>(91) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, contracting authorities and entities should, where appropriate, be <del>required</del><u>encouraged</u> to align their procurement with specific green public procurement criteria <del>or targets</del>, to be set out in the delegated acts adopted pursuant to this Regulation. The <u>sustainability</u> criteria <u>could take form of mandatory technical specifications or performance levels, or, as appropriate, selection criteria, award criteria or contract performance clauses, while allowing contracting authorities discretion to decide on the entirety of the criteria needed for the public procurement. The sustainability criteria</u> <del>or targets</del> set by delegated acts for specific</p> | <p>(91) <u>Contracting authorities and entities should, where appropriate, be required to align their procurement with specific green</u> public procurement <del>amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects</del> <u>criteria , to be set out in the implementing acts adopted pursuant to this Regulation. The criteria for specific product families or categories, should be complied with when directly procuring those products in public supply contracts . Compared to a voluntary approach, mandatory criteria will ensure that the leverage of public</u> <del>health and biodiversity, contracting authorities and entities should, where appropriate, be required to align their</del> <u>spending to boost demand for better performing products is maximised.</u></p> |                 |



|  | Commission Proposal                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|  | <p>of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-discriminatory.</p> | <p>product groups, <del>should be complied with</del> <u>could be used</u> not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. <del>Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised.</del> The criteria should be transparent, objective and non-discriminatory.</p> | <p><u>These minimum requirements should be established according to transparent, objective and non-discriminatory criteria and should not affect the possibilities for Member States and contracting authorities to introduce green public procurement with specific green systems and to define minimum mandatory requirements for public procurement criteria or targets, to be set out of construction products that are more ambitious than those specified in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups, implementing acts, provided that those requirements are in conformity with the TFEU. When developing implementing acts related to green public procurements, the Commission should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts</u></p> |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|  |                     |            | <p><del>where those</del> <u>take due account of the Member States different geographical, social and economic circumstances. When considering the effect on the market situation, the Commission should take into account, among others, the effects of the requirements on competition and the best environmental</u> products <del>will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-discriminatory</del> <u>and solutions available on the market. When considering the economic feasibility for contracting authorities, the Commission should take into account that different contracting authorities in different Member States might have different budgetary capacities. In duly justified cases, contracting authorities should be able to derogate from the requirements such as when there</u></p> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| Recital 92 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 101        | (92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing and amending product specific technical provisions and requirements; defining the applicable assessment and verification systems; determining the conditions under which obligations under other Union law fulfil certain obligations of this | (92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing <del>and amending</del> product specific technical provisions and requirements; <del>defining</del> <u>specifying</u> the applicable assessment and verification systems <u>set out in Annex V</u> ; determining the conditions under which obligations under other Union law fulfil certain | (92) In order to take into account technical progress and knowledge of new scientific evidence, ensure proper functioning of the internal market, facilitate access to the information and ensure homogeneous implementation of rules, the power to adopt acts in accordance with Article 290 <u>TFEU should be delegated to the Commission in respect of amending the lists of predetermined environmental characteristics and product families, amending the required product information, determining threshold levels and classes of performance as well as laying down conditions under which a product shall be deemed to satisfy them, determining essential</u> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|  | <p>Regulation; amending the declaration of performance and declaration of conformity model; establishing additional obligations to manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing minimum requirements to market surveillance authorities; setting up a Union construction products database or system; establishing green public procurement requirements and defining minimum penalties. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to</p> | <p>obligations of this Regulation; amending the declaration of performance and declaration of conformity model; <del>establishing</del><u>specifying</u> additional <u>environmental</u> obligations to manufacturers; revising and supplementing procedural rules for the development of European assessment documents; establishing <del>minimum</del><u>green public procurement</u> requirements. <u>This empowerment should be limited to what is required to fulfil Member States' needs identified and included in the working plan to</u> <del>market surveillance authorities; setting up a Union construction products database or system; establishing green public procurement requirements and defining minimum penalties</del>. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>141</sup>. In particular, to ensure equal participation in the</p> | <p><u>characteristics which always shall be declared</u>, <del>of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of</del> establishing <u>inherent product requirements for certain product families or categories as well as</u> <del>and</del> amending <u>the inherent</u> product <del>specific technical provisions and requirements</del><u>requirements which can be established</u>; defining the applicable assessment and verification systems <u>and to introduce new ones</u>; determining the conditions under which obligations under other Union law fulfil certain obligations of this Regulation; amending the declaration of performance and <del>declaration of</del> conformity model; establishing <del>additional obligations to manufacturers; revising and supplementing</del> <u>supplementary</u> procedural rules for the development of European assessment documents; <u>specifying functionalities and</u> <del>establishing minimum</del> requirements <del>to market surveillance authorities; setting up a of the</del> Union construction products database or system; <del>and</del> establishing <u>green public</u></p> |                 |

|            | Commission Proposal                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|            | <p>meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>_____</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p> | <p>preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. <u>When developing those acts, the Commission should aim at reducing the administrative burden for companies and take into account the needs of SMEs.</u></p> <p>_____</p> <p><del>1. OJ L 123, 12.5.2016, p. 1.</del></p> | <p><del>procurement requirements and defining minimum penalties</del><u>longer storage periods within it.</u> It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>_____</p> <p>1. <u>III</u> OJ L 123, 12.5.2016, p. 1.</p> |                 |
| Recital 93 |                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 102 | <p>(93) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission establishing means to transmit information; providing details on how to execute obligations and rights of economic operators; adopting the format of the European technical assessment; establishing minimum resources required by notified bodies and giving access to authorities of third countries to the information systems for harmonised decision-making to the EU construction products database or system and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member</p> | <p>(93) In order to ensure uniform conditions for the implementation of this Regulation, <del>implementing</del> powers should be conferred on the Commission establishing means to transmit information; <del>providing details on how to execute obligations and rights of economic operators;</del> adopting the format of the European technical assessment; <del>establishing minimum resources required by notified bodies and giving access to authorities of third countries to the information systems for harmonised decision-making to the EU construction products database or system</del> and to trainings in the context of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>142</sup>.</p> <p><del>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member</del></p> | <p>(93) In order to ensure uniform conditions for the implementation of this Regulation, <del>implementing</del> powers should be conferred on the Commission <u>for the laying down of essential characteristics and their assessment methods for certain product families and categories;</u> <del>for</del> establishing <del>means to transmit information;</del> <u>common specifications;</u> <del>for authorising national measures deviating from the harmonised zone ;</del> <u>for</u> providing details on how to execute obligations <del>and rights</del> of economic operators; <u>for</u> adopting the format of the European technical assessment; <u>for providing details on how to execute obligations of</u> <del>establishing minimum resources required by</del> notified bodies; <u>for establishing whether certain national measure are justified, for establishing a Union construction products database or system and to provide for its mandatory usage;</u> <del>for</del> <del>and</del> giving access to <u>regulatory</u> authorities of third countries to the</p> |                 |

|            | Commission Proposal                                                                     | EP Mandate                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|            | States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13). | <del>States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</del> | information systems for harmonised decision-making, to the EU construction products database or system and to trainings in the context of this Regulation;<br><u>for specifying aspects of Member States incentives; and for determining whether a specific product falls within the definition of construction product.</u> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>1</sup> .<br><br>_____<br><br>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13). |                 |
| Recital 94 |                                                                                         |                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 103        | (94) The Commission should                                                              | (94) The Commission should                                                                         | (94) The Commission should                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|            | adopt immediately applicable implementing acts where, in duly justified cases relating to human health or safety or the protection of the environment, imperative grounds of urgency so require.                                                                                                                                                                                                                                                                                                                                                                                                                     | adopt immediately applicable implementing acts where, in duly justified cases relating to human health or safety or the protection of the environment, imperative grounds of urgency so require.                                                                                                                                                                                                                                                                                                                                                                                                                     | adopt immediately applicable implementing acts where, in duly justified cases relating to human health or safety or the protection of the environment, imperative grounds of urgency so require.                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Recital 95 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 104        | (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council lays down rules on a horizontal framework for market surveillance and control of products entering the Union market. In order to ensure that products under this Regulation, which are benefiting from the free movement of goods within the Union, fulfil requirements providing a high level of protection of public interests, such as the protection of human health and safety and the protection of the environment, that Regulation should apply also to products covered by this Regulation, in so far as there are no specific | (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council lays down rules on a horizontal framework for market surveillance and control of products entering the Union market. In order to ensure that products under this Regulation, which are benefiting from the free movement of goods within the Union, fulfil requirements providing a high level of protection of public interests, such as the protection of human health and safety and the protection of the environment, that Regulation should apply also to products covered by this Regulation, in so far as there are no specific | (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council lays down rules on a horizontal framework for market surveillance and control of products entering the Union market. In order to ensure that products under this Regulation, which are benefiting from the free movement of goods within the Union, fulfil requirements providing a high level of protection of public interests, such as the protection of human health and safety and the protection of the environment, that Regulation should apply also to products covered by this Regulation, in so far as there are no specific |                 |



|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|            | provisions with the same objective, nature or effect in this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | provisions with the same objective, nature or effect in this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | provisions with the same objective, nature or effect in this Regulation. <del>Therefore, Regulation (EU) 2019/1020 should be amended accordingly.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Recital 96 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 105        | (96) To render the implementation of this Regulation more efficient and to reduce the burden for economic operators, it should be possible to make applications and decisions on paper or in a commonly used electronic format. To obtain legal certainty, applications and decisions should only be valid where the electronic signature fulfils the requirements of Regulation (EU) No 910/2014 of the European Parliament and of the Council and where the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. | (96) To render the implementation of this Regulation more efficient and to reduce the burden for economic operators, it should be possible to make applications and decisions on paper or in a commonly used electronic format. To obtain legal certainty, applications and decisions should only be valid where the electronic signature fulfils the requirements of Regulation (EU) No 910/2014 of the European Parliament and of the Council and where the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. | (96) To render the implementation of this Regulation more efficient and to reduce the burden for economic operators, it should be possible to make applications and decisions on paper or in a commonly used electronic format. To obtain legal certainty, applications and decisions should only be valid where the electronic signature fulfils the requirements of Regulation (EU) No 910/2014 of the European Parliament and of the Council and where the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|            |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                         |                 |
| Recital 97 |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                         |                 |
| 106        | (97) To further reduce the burden on economic operators, it should be possible to provide documentation in a commonly used electronic format, and to fulfil information requirements electronically by default.                                                                                                                              | (97) To further reduce the burden on economic operators, it should be possible to provide documentation in a commonly used electronic format, and to fulfil information requirements electronically by default.                                                                                                                                         | (97) To further reduce the burden on economic operators, it should be possible to provide documentation in a commonly used electronic format, and to fulfil information requirements electronically by default.                                                                                                                                         |                 |
| Recital 98 |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                         |                 |
| 107        | (98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. In order to ensure these goals and harmonised penalties, the | (98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. <del>In order to ensure these goals and harmonised penalties, the</del> | (98) In order to ensure a high level of compliance with this Regulation, Member States should lay down rules on penalties applicable to non-compliances and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. <del>In order to ensure these goals and harmonised penalties, the</del> |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|            | Commission should be empowered to establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.                                                                                                                                                                                                                                                                                                                                                                                                                                                | <del>Commission should be empowered to establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <del>Commission should be empowered to establish minimum penalties by acts adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Recital 99 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 108        | (99) In order to create legal certainty, it should be specified whether and for how long designations of product contact points for construction, TABs, or notified bodies and harmonised standards, European assessment documents, European technical assessments and notified bodies certificates or test reports adopted or issued under Regulation (EU) 305/2011 maintain legal effects under this Regulation. The respective transition periods should be long enough to avoid bottlenecks in respect of notified bodies and TABs designation and of the adoption or issuing of European assessment documents, | (99) In order to create legal certainty, it should be specified whether and for how long designations of product contact points for construction, TABs, or notified bodies and harmonised standards, European assessment documents, European technical assessments and notified bodies certificates or test reports adopted or issued under Regulation (EU) 305/2011 maintain legal effects under this Regulation. The respective transition periods should be long enough to avoid bottlenecks in respect of notified bodies and TABs designation and of the adoption or issuing of European assessment documents, | (99) In order to create legal certainty, it should be specified whether and for how long designations of product contact points for construction, TABs, or notified bodies and harmonised standards, European assessment documents, European technical assessments and notified bodies certificates or test reports adopted or issued under Regulation (EU) 305/2011 maintain legal effects under this Regulation. The respective transition periods should be long enough to avoid bottlenecks in respect of notified bodies and TABs designation and of the adoption or issuing of European assessment documents, |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|             | European technical assessments, and notified body certificates or test reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | European technical assessments, and notified body certificates or test reports. | European technical assessments, and notified body certificates or test reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Recital 100 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 109         | (100) To create legal certainty, it should be clarified for how long products placed on the market on the basis of European assessment documents adopted under Regulation (EU) No 305/2011 may remain in the distribution chain and thus be further made available on the market. Similarly to the practice under other product legislation, the appropriate period is considered to be five years after the expiry of the European technical assessment on the basis of which they have been placed on the market. In this way, six years after the entry into force of a harmonised technical specification adopted under this Regulation all products sold to users will comply with that harmonised technical | <i>deleted</i>                                                                  | (100) To create legal certainty, it should be clarified for how long products placed on the market on the basis of European <u>technical assessments issued in accordance with European</u> assessment documents adopted under Regulation (EU) No 305/2011 may <del>remain in the distribution chain and thus be further made available on the market. Similarly to the practice under other product legislation, the appropriate period is considered to be five years after the expiry of the European technical assessment on the basis of which they have been</del> <u>be</u> placed on the market. <del>In this way, six years after the entry into force of a harmonised technical specification adopted under this Regulation all products sold to users will comply</del> |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|             | specification and this Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <del>with that harmonised technical specification and this Regulation.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Recital 101 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 110         | (101) Both the essential characteristics of construction products and their assessment methods can only be determined by harmonised technical specifications to be developed for the various product groups and families. Accordingly, requirements and obligations incumbent on economic operators with regard to a certain product group or family should only apply mandatorily as from six months after the entry into force of harmonised technical specification covering the respective product group or family. | (101) Both the essential characteristics of construction products and their assessment methods can only be determined by harmonised technical specifications to be developed for the various product groups and families. Accordingly, requirements and obligations incumbent on economic operators with regard to a certain product group or family should only apply mandatorily as from six months after the entry into force of harmonised technical specification covering the respective product group or family. | (101) Both the essential characteristics of construction products and their assessment methods can only be determined by harmonised technical specifications to be developed for the various product <u>families and categories, or by European assessment documents</u> <del>groups and families.</del> Accordingly, requirements and obligations incumbent on economic operators with regard to a certain product <del>group or family</del> <u>family or category</u> should only apply mandatorily as <del>from six</del> <u>at the earliest</u> of <u>twelve</u> months after the entry into force of harmonised technical specification covering the respective product <del>group or family</del> <u>family or category</u> . |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| Recital 102 |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 111         | (102) To facilitate a smooth phasing-in of future harmonised technical specifications and taking into consideration the time needed for drawing up the declaration of performance or conformity, economic operators should be permitted to opt for the voluntary application of this Regulation as from the entry into force of these harmonised technical specifications. | (102) To facilitate a smooth phasing-in of future harmonised technical specifications and taking into consideration the time needed for drawing up the declaration of performance or conformity, economic operators should be permitted to opt for the voluntary application of this Regulation as from the entry into force of these harmonised technical specifications. | (102) To facilitate a smooth phasing-in of future harmonised technical specifications and taking into consideration the time needed for drawing up the declaration of performance <del>or</del> <u>and</u> conformity, economic operators should be permitted to opt for the voluntary application of this Regulation as from the entry into force of these harmonised technical specifications. |                 |
| Recital 103 |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 112         | (103) It is necessary to avoid that economic operators can permanently circumvent the application of this Regulation by applying the harmonised technical specifications adopted under Regulation (EU) No 305/2011. For this reason, the Commission should                                                                                                                 | (103) It is necessary to avoid that economic operators can permanently circumvent the application of this Regulation by applying the harmonised technical specifications adopted under Regulation (EU) No 305/2011. For this reason, the Commission should                                                                                                                 | (103) It is necessary to avoid that economic operators can permanently circumvent the application of this Regulation by applying the harmonised technical specifications adopted under Regulation (EU) No 305/2011. For this reason, the Commission should                                                                                                                                       |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|             | withdraw from the Official Journal the references to harmonised standards and EADs published in support of Regulation (EU) No 305/2011 and covering a certain product group or family, by two years after the entry into force of harmonised technical specification adopted under this Regulation covering that respective product group or family. | withdraw from the Official Journal the references to harmonised standards and EADs published in support of Regulation (EU) No 305/2011 and covering a certain product group or family, by two years after the entry into force of harmonised technical specification adopted under this Regulation covering that respective product group or family. | withdraw from the Official Journal the references to harmonised standards and <u>European assessment documents</u> <del>EADs</del> published in support of Regulation (EU) No 305/2011 and covering a certain product <del>group or family, by two years</del> <u>family or category, by a fixed period</u> after the entry into force of harmonised technical specification adopted under this Regulation covering that respective product <del>group or family</del> <u>family or category</u> . |                 |
| Recital 104 |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 113         | (104) In order to fully cover the environmental assessment of construction products and to appropriately cover product requirements which exist even in current harmonised technical specifications, a more comprehensive Annex I should be developed, including also a detailed list of essential characteristics related to lifecycle              | (104) In order to fully cover the environmental assessment of construction products and to appropriately cover product requirements which exist even in current harmonised technical specifications, a more comprehensive Annex I should be developed, including also a detailed list of essential characteristics related to lifecycle              | (104) <u>While the concept of basic requirements for construction works is kept as the technically necessary link between construction works and construction products, it should be made explicit that they do not constitute obligations incumbent upon economic operators or Member States seeing as the right to regulate construction works</u>                                                                                                                                               |                 |

|             | Commission Proposal                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|             | assessment and a complete framework for the product requirements. On that occasion, overlaps between basic requirements for construction works should be eliminated and clarifications should be brought forward. | assessment and a complete framework for the product requirements. On that occasion, overlaps between basic requirements for construction works should be eliminated and clarifications should be brought forward. | <u>remain a competence of Member States.</u> In order to <del>fully</del> cover the environmental assessment of construction products <del>and to appropriately cover</del> <u>as well as</u> product requirements which exist even in current harmonised technical specifications, a more comprehensive Annex <del>H-A</del> should be developed, including also a detailed list of <u>predetermined</u> essential characteristics related to lifecycle assessment <del>and a complete framework for the product requirements</del> . On that occasion, overlaps between basic requirements for construction works should be eliminated and clarifications should be brought forward. |                 |
| Recital 105 |                                                                                                                                                                                                                   |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 114         | (105) In order to reach a minimum control intensity of the assessment and verification of manufacturers by notified bodies and to create a level playing field both for                                           | (105) In order to reach a minimum control intensity of the assessment and verification of manufacturers by notified bodies and to create a level playing field both for                                           | (105) In order <del>to reach a minimum control intensity of the assessment and verification of manufacturers by notified bodies and</del> to create a level playing field both for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |



|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|             | <p>manufacturers and notified bodies, Annex V on assessment and verification systems should more precisely and comprehensively determine the tasks of manufacturers and notified bodies under different possible assessment and verification systems. Moreover, that Annex should determine the assessments and verifications to be undertaken to verify the environmental sustainability of products, in terms of product performance and product requirements.</p> | <p>manufacturers and notified bodies, Annex V on assessment and verification systems should more precisely and comprehensively determine the tasks of manufacturers and notified bodies under different possible assessment and verification systems. Moreover, that Annex should determine the assessments and verifications to be undertaken to verify the environmental sustainability of products, in terms of product performance and product requirements.</p> | <p>manufacturers and notified bodies, Annex V on assessment and verification systems should more precisely and comprehensively determine the tasks of manufacturers and notified bodies under different possible assessment and verification systems. Moreover, that Annex should determine the assessments and verifications to be undertaken to verify the environmental sustainability of products, in terms of product performance and product requirements. <u>When the Commission defines the applicable assessment and verification system for a product family or category, continuity with Regulation 305/2011 and coherence across product families should be the guiding principles.</u></p> |                 |
| Recital 106 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 115         | <p>(106) The objectives of this Regulation, namely the free circulation of construction products</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>(106) The objectives of this Regulation, namely the free circulation of construction products</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>(106) The objectives of this Regulation, namely the free circulation of construction products</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|  | <p>on the internal market, the protection of human health and safety, and the protection of the environment, cannot be sufficiently achieved by the Member States, as Member States tend to establish very diverging requirements for construction products, with an uneven level of protection of human health and safety and of the environment. These objectives can rather be better achieved at Union level by establishing a harmonised assessment framework for the performance of construction products and certain product requirements for the protection of human health and safety and of the environment. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,</p> | <p>on the internal market, the protection of human health and safety, and the protection of the environment, cannot be sufficiently achieved by the Member States, as Member States tend to establish very diverging requirements for construction products, with an uneven level of protection of human health and safety and of the environment. These objectives can rather be better achieved at Union level by establishing a harmonised assessment framework for the performance of construction products and certain product requirements for the protection of human health and safety and of the environment. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,</p> | <p>on the internal market, the protection of human health and safety, and the protection of the environment, cannot be sufficiently achieved by the Member States, as Member States tend to establish very diverging requirements for construction products, with an uneven level of protection of human health and safety and of the environment. These objectives can rather be better achieved at Union level by establishing a harmonised assessment framework for the performance of construction products and certain product requirements for the protection of human health and safety and of the environment. Accordingly, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 <del>of the Treaty on the European Union</del> <u>TFEU</u>. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,</p> |                 |

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| Formula                    |                                 |                                 |                                 |                 |
| 116                        | HAVE ADOPTED THIS REGULATION:   | HAVE ADOPTED THIS REGULATION:   | HAVE ADOPTED THIS REGULATION:   |                 |
| CHAPTER I                  |                                 |                                 |                                 |                 |
| 117                        | CHAPTER I<br>GENERAL PROVISIONS | CHAPTER I<br>GENERAL PROVISIONS | CHAPTER I<br>GENERAL PROVISIONS |                 |
| Article 1                  |                                 |                                 |                                 |                 |
| 118                        | Article 1<br>Subject matter     | Article 1<br>Subject matter     | Article 1<br>Subject matter     |                 |
| Article 1, first paragraph |                                 |                                 |                                 |                 |

|                                       | Commission Proposal                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                       | Draft Agreement |
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| 119                                   | This Regulation establishes harmonised rules for the making available on the market and direct installation of construction products, regardless of whether undertaken in the framework of a service or not, by establishing: | This Regulation establishes harmonised rules for the <u>placing and</u> making available on the market <del>and direct installation</del> of construction products, regardless of whether undertaken in the framework of a service or not, by establishing: | This Regulation establishes harmonised rules for the <u>placing or</u> making available on the market <del>and direct installation</del> of construction products, <del>regardless of whether undertaken in the framework of a service or not,</del> by establishing: |                 |
| Article 1, first paragraph, point (a) |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                       |                 |
| 120                                   | (a) rules on how to express the environmental, including climate, and safety performance of construction products in relation to their essential characteristics;                                                             | (a) <u>harmonised</u> rules on how to express the environmental, including <del>climate</del> , <u>life cycle assessment</u> and safety performance of construction products in relation to their essential characteristics;                                | (a) rules on how to express the <del>environmental, including climate, and safety</del> performance of construction products in relation to their essential characteristics;                                                                                          |                 |
| Article 1, first paragraph, point (b) |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                       |                 |
| 121                                   | (b) environmental, including                                                                                                                                                                                                  | (b) environmental, <del>including</del>                                                                                                                                                                                                                     | (b) <del>environmental, including</del>                                                                                                                                                                                                                               |                 |

|                               | Commission Proposal                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                               | climate, functional and safety product requirements for construction products.                                                                                                                                                                                                    | <del>climate,</del> functional and safety product requirements for construction products.                                                                                                                                                                                                                                                                                          | <del>climate, functional and safety</del> product requirements for construction products.                                                                                                                                                                                                    |                 |
| Article 1, second paragraph   |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                              |                 |
| 122                           | This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with products that could be regarded as construction products whilst not being intended by their manufacturer to be construction products. | This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components or with <del>products that could be regarded as</del> <u>construction double use</u> products, <u>including the de-installation and reuse of those</u> <del>whilst not being intended by their manufacturer to be construction</del> products. | This Regulation also establishes obligations incumbent on economic operators dealing with construction products or their components <del>or with products that could be regarded as construction products whilst not being intended by their manufacturer to be</del> construction products. |                 |
| Article 1, second paragraph a |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                              |                 |
| 122a                          |                                                                                                                                                                                                                                                                                   | <u>This Regulation contributes to the efficient functioning of the internal market by ensuring the</u>                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                              |                 |

|                                  | Commission Proposal                                                                 | EP Mandate                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                      | Draft Agreement |
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|                                  |                                                                                     | <u>free movement of safe and sustainable construction products in the Union and to the objectives of a green and digital transition by preventing and reducing the impact that construction products have on the environment and on the health and safety of people.</u> |                                                                                                                                                                                                      |                 |
| Article 2                        |                                                                                     |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                      |                 |
| 123                              | Article 2<br>Scope                                                                  | Article 2<br>Scope                                                                                                                                                                                                                                                       | Article 2<br>Scope                                                                                                                                                                                   |                 |
| Article 2(1), first subparagraph |                                                                                     |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                      |                 |
| 124                              | 1. This Regulation shall apply to construction products and to the following items: | 1. This Regulation shall apply to construction products and to the following items:                                                                                                                                                                                      | 1. This Regulation shall apply to construction products, <u>including used products</u> , and to the following items, <u>when those products or items are intended for use on the Union market</u> : |                 |

|                                             | Commission Proposal                                                                                                                                                                             | EP Mandate                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                                             |                                                                                                                                                                                                 |                                                                                                                                                                                            |                 |                 |
| Article 2(1), first subparagraph, point (a) |                                                                                                                                                                                                 |                                                                                                                                                                                            |                 |                 |
| 125                                         | (a) 3D-datasets placed on the market to permit the 3D-printing of construction products covered by this Regulation and 3D-printed construction products and moulds;                             | (a) <del>3D-datasets placed on the market to permit the 3D-printing of construction products covered by this Regulation and</del> 3D-printed construction products <del>and moulds</del> ; | deleted         |                 |
| Article 2(1), first subparagraph, point (b) |                                                                                                                                                                                                 |                                                                                                                                                                                            |                 |                 |
| 126                                         | (b) materials intended to be used for the 3D-printing of construction products on or close to the construction site or for the manufacturing using moulds on or close to the construction site; | deleted                                                                                                                                                                                    | deleted         |                 |
| Article 2(1), first subparagraph, point (c) |                                                                                                                                                                                                 |                                                                                                                                                                                            |                 |                 |

|                                             | Commission Proposal                                                                                                                                                                    | EP Mandate                                                                                                                                       | Council Mandate                                                                                                                                  | Draft Agreement |
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| 127                                         | (c) construction products manufactured on the construction site for immediate incorporation into construction works, without separate commercial action for the placing on the market; | <i>deleted</i>                                                                                                                                   | <i>deleted</i>                                                                                                                                   |                 |
| Article 2(1), first subparagraph, point (d) |                                                                                                                                                                                        |                                                                                                                                                  |                                                                                                                                                  |                 |
| 128                                         | (d) key parts of products covered by this Regulation;                                                                                                                                  | (d) key parts of products covered by this Regulation;                                                                                            | (d) key parts of <u>construction</u> products <del>covered by this Regulation;</del>                                                             |                 |
| Article 2(1), first subparagraph, point (e) |                                                                                                                                                                                        |                                                                                                                                                  |                                                                                                                                                  |                 |
| 129                                         | (e) parts or materials intended to be used for products covered by this Regulation, if the manufacturer of those parts or materials so requests;                                       | (e) parts or materials intended to be used for products covered by this Regulation, if the manufacturer of those parts or materials so requests; | (e) parts or materials intended to be used for products covered by this Regulation, if the manufacturer of those parts or materials so requests; |                 |



|                                             | Commission Proposal                                                                                                                                                          | EP Mandate     | Council Mandate | Draft Agreement |
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|                                             |                                                                                                                                                                              |                |                 |                 |
| Article 2(1), first subparagraph, point (f) |                                                                                                                                                                              |                |                 |                 |
| 130                                         | (f) kits or assemblies, where their composition is specified in and covered by harmonised technical specifications or European assessment documents (EADs);                  | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 2(1), first subparagraph, point (g) |                                                                                                                                                                              |                |                 |                 |
| 131                                         | (g) prefabricated one-family-houses of less than 180 m <sup>2</sup> surface floor space with one floor or of less than 100 m <sup>2</sup> surface floor space on two floors. | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 2(1), second subparagraph           |                                                                                                                                                                              |                |                 |                 |
| 132                                         |                                                                                                                                                                              |                |                 |                 |

|                                | Commission Proposal                                                                                                                           | EP Mandate                                                                                                                                    | Council Mandate | Draft Agreement |
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|                                | Member States may decide not to apply this Regulation for the houses referred to in point (g) by notification to the Commission.              | <i>deleted</i>                                                                                                                                | <i>deleted</i>  |                 |
| <i>Article 2(2)</i>            |                                                                                                                                               |                                                                                                                                               |                 |                 |
| 133                            | 2. This Regulation shall also apply to used construction products and to used items referred to in paragraph 1 in any of the following cases: | 2. This Regulation shall also apply to used construction products and to used items referred to in paragraph 1 in any of the following cases: | <i>deleted</i>  |                 |
| <i>Article 2(2), point (a)</i> |                                                                                                                                               |                                                                                                                                               |                 |                 |
| 134                            | (a) those used construction products or items are imported from third countries without having been placed on the Union market before;        | (a) those used construction products or items are imported from third countries without having been placed on the Union market before;        | <i>deleted</i>  |                 |

|                                | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| <i>Article 2(2), point (b)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 135                            | (b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere decoration” purposes, those purposes being defined by the absence of any structural function for the construction works; | (b) the economic operator has changed the intended use of those used construction products or items from the intended use assigned to those construction products or items by the initial manufacturer in another way than by a reduction in terms of performance or intended uses or to mere “decoration” purposes, <del>those purposes being defined by the absence of any structural function for the construction works;</del> | <i>deleted</i>  |                 |
| <i>Article 2(2), point (c)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 136                            | (c) the economic operator making the used construction products or items available on the market claims for them characteristics or the fulfilment of product requirements set out in Annex I, additional to or different from the                                                                                                                                                                                     | (c) the economic operator making the used construction products or items available on the market claims for them characteristics or the fulfilment of product requirements set out in Annex I, additional to or different from the                                                                                                                                                                                                 | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                          | EP Mandate                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|                                 | characteristics and requirements declared pursuant to this Regulation or Regulation (EU) 305/2011 when the used construction product or item was first placed on the market; | characteristics and requirements declared pursuant to this Regulation or Regulation (EU) 305/2011 when the used construction product or item was first placed on the market; |                 |                 |
| <i>Article 2(2), point (d)</i>  |                                                                                                                                                                              |                                                                                                                                                                              |                 |                 |
| 137                             | (d) the used construction products or items have been subject to a transformative process going beyond repair, cleaning and regular maintenance ('remanufactured product');  | (d) the used construction products or items have been subject to a transformative process going beyond repair, cleaning and regular maintenance ('remanufactured product');  | <i>deleted</i>  |                 |
| <i>Article 2(2), point (da)</i> |                                                                                                                                                                              |                                                                                                                                                                              |                 |                 |
| 137a                            |                                                                                                                                                                              | <u>(da) obligations of economic operators de-installing or dealing with used products for reuse are not fulfilled;</u>                                                       |                 |                 |

|                          | Commission Proposal                                                                                                                          | EP Mandate                                                                                                                                   | Council Mandate                    | Draft Agreement |
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|                          |                                                                                                                                              |                                                                                                                                              |                                    |                 |
| Article 2(2), point (db) |                                                                                                                                              |                                                                                                                                              |                                    |                 |
| 137b                     |                                                                                                                                              | <u>(db) the economic operator is placing a used construction product on the market for the first time;</u>                                   |                                    |                 |
| Article 2(2), point (e)  |                                                                                                                                              |                                                                                                                                              |                                    |                 |
| 138                      | (e) the economic operator making the used construction products or item available on the market opts for the application of this Regulation. | (e) the economic operator making the used construction products or item available on the market opts for the application of this Regulation. | <i>deleted</i>                     |                 |
| Article 2(3)             |                                                                                                                                              |                                                                                                                                              |                                    |                 |
| 139                      | 3. This Regulation shall not apply                                                                                                           | 3. This Regulation shall not apply                                                                                                           | 3. This Regulation shall not apply |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                         | to:                                                                                                                                                                                                                                                                                                                                                                                              | to:                                                                                                                                                                                                                                                                                                                                                                                              | to:                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 2(3), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 140                     | <p>(a) lifts subject to Directive 2014/33/EU of the European Parliament and of the Council<sup>1</sup>, escalators and their components;</p> <p>_____</p> <p>1. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).</p> | <p>(a) lifts subject to Directive 2014/33/EU of the European Parliament and of the Council<sup>1</sup>, escalators and their components;</p> <p>_____</p> <p>1. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).</p> | <p>(a) lifts subject to Directive 2014/33/EU of the European Parliament and of the Council<sup>1</sup>, escalators and their components;</p> <p>_____</p> <p>1. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).</p> |                 |
| Article 2(3), point (b) |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 141                     | <p>(b) boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human consumption;</p>                                                                                                                                                                                                                                                                  | <p>(b) <u>the hygiene-related quality of</u> boilers, pipes, tanks and ancillaries and other products intended to be in contact with water for human</p>                                                                                                                                                                                                                                         | <p><i>deleted</i></p>                                                                                                                                                                                                                                                                                                                                                                            |                 |

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|                                |                                   | consumption;   |                 |                 |
| <i>Article 2(3), point (c)</i> |                                   |                |                 |                 |
| 142                            | (c) systems treating waste water; | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 2(3), point (d)</i> |                                   |                |                 |                 |
| 143                            | (d) sanitary appliances;          | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 2(3), point (e)</i> |                                   |                |                 |                 |
| 144                            | (e) traffic signalling products.  |                |                 |                 |

|                          | Commission Proposal | EP Mandate                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                      | Draft Agreement |
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|                          |                     | <i>deleted</i>                                                                                                                                                                      | <i>deleted</i>                                                                                                                                                                                                                       |                 |
| Article 2(3), point (ea) |                     |                                                                                                                                                                                     |                                                                                                                                                                                                                                      |                 |
| 144a                     |                     |                                                                                                                                                                                     | <u>(f) performance assessment and requirements subject to Directive (EU) 2020/2184 of the European Parliament and of the Council and covered by the delegated acts of Commission referred to in Article 11(8) of this Directive;</u> |                 |
| Article 2(3), point (ea) |                     |                                                                                                                                                                                     |                                                                                                                                                                                                                                      |                 |
| 144b                     |                     | <u>(ea) electrical and electronic products subject to Directives 2014/35/EU, 2014/30/EU, 2014/53/EU, RoHs Directive or the [XXX] Ecodesign for Sustainable Products Regulation.</u> |                                                                                                                                                                                                                                      |                 |



|                                      | Commission Proposal                                                                                                                                                                                                                                                                    | EP Mandate                                                                                | Council Mandate | Draft Agreement |
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| Article 2(3), point (eb)             |                                                                                                                                                                                                                                                                                        |                                                                                           |                 |                 |
| 144c                                 |                                                                                                                                                                                                                                                                                        | <u>(eb) lighting products subject to Directives 2014/35/EU, 2014/53/EU or 2001/95/EC;</u> |                 |                 |
| Article 2(4), first subparagraph     |                                                                                                                                                                                                                                                                                        |                                                                                           |                 |                 |
| 145                                  | 4. This Regulation also shall also apply to 3D-printing services of construction products and of items covered by this Regulation. 3D-printing services include renting out of 3D-printing machines that could be used for construction products and items covered by this Regulation. | <i>deleted</i>                                                                            | <i>deleted</i>  |                 |
| Article 2(4), second subparagraph -a |                                                                                                                                                                                                                                                                                        |                                                                                           |                 |                 |
| 145a                                 |                                                                                                                                                                                                                                                                                        |                                                                                           |                 |                 |

|                                                  | Commission Proposal                                                                                             | EP Mandate     | Council Mandate                                                                                                                                                            | Draft Agreement |
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|                                                  |                                                                                                                 |                | <i>deleted</i>                                                                                                                                                             |                 |
| Article 2(4), second subparagraph                |                                                                                                                 |                |                                                                                                                                                                            |                 |
| 146                                              | This Regulation shall also apply to services linked to:                                                         | <i>deleted</i> | <u>4a.</u> This Regulation <u>also establishes obligations for economic operators and online marketplaces providing</u> <del>shall also apply to</del> services linked to: |                 |
| Article 2(4), second subparagraph, first indent  |                                                                                                                 |                |                                                                                                                                                                            |                 |
| 147                                              | - the manufacturing and commercialisation of construction products and or items covered by this Regulation, and | <i>deleted</i> | - <u>the</u> manufacturing and commercialisation of <del>construction</del> products <del>and or items</del> covered by this Regulation, <del>and</del>                    |                 |
| Article 2(4), second subparagraph, second indent |                                                                                                                 |                |                                                                                                                                                                            |                 |

|                     | Commission Proposal                                                                                                                              | EP Mandate                                                                                                                     | Council Mandate                                                                                                                                      | Draft Agreement |
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| 148                 | - to the de-installing, preparation for re-use, remanufacturing and dealing with used construction products or items covered by this Regulation. | <i>deleted</i>                                                                                                                 | <i>deleted</i>                                                                                                                                       |                 |
| <i>Article 2a</i>   |                                                                                                                                                  |                                                                                                                                |                                                                                                                                                      |                 |
| 148a                |                                                                                                                                                  |                                                                                                                                | <u><a href="#">Article 2a</a></u><br><br><u><a href="#">Application of the regulation in the outermost regions</a></u>                               |                 |
| <i>Article 2(5)</i> |                                                                                                                                                  |                                                                                                                                |                                                                                                                                                      |                 |
| 149                 | 5. Member States may exempt from the application of this Regulation construction products and items covered by this                              | 5. Member States may exempt from the application of this Regulation construction products <del>and items</del> covered by this | <del>5.</del> Member States may exempt from the application of this Regulation <del>construction</del> products <del>and items</del> covered by this |                 |

|           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|           | <p>Regulation that are placed on the market or directly installed in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products or items do not bear the CE marking in accordance with Article 16. Construction products or items placed on the market or directly installed on the basis of such exemption shall not be deemed to be placed on the market or directly installed in the Union in the meaning of this Regulation.</p> | <p>Regulation that are placed on the market <del>or directly installed</del> in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted construction products <del>or items</del> do not bear the CE marking in accordance with Article 16. Construction products <del>or items</del> placed on the market <del>or directly installed</del> on the basis of such exemption shall not be deemed to be placed on the market <del>or directly installed</del> in the Union in the meaning of this Regulation.</p> | <p>Regulation that are placed on the market <del>or directly installed</del> in the outermost regions of the European Union in the meaning of Article 349 of the Treaty on the Functioning of the European Union. Member States shall notify to the European Commission and to the other Member States the regulations providing such exemptions. They shall ensure that exempted <del>construction</del> products <del>or items</del> do not bear the CE marking in accordance with Article 16. <del>Construction</del> Products <del>or items</del> placed on the market <del>or directly installed</del> on the basis of such exemption shall not be deemed to be placed on the market <del>or directly installed</del> in the Union in the meaning of this Regulation.</p> |                 |
| Article 3 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 150       | <p>Article 3</p> <p>Definitions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Article 3</p> <p>Definitions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Article 3</p> <p>Definitions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|                                       | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 3, first paragraph            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 151                                   | For the purposes of this Regulation the following definitions shall apply:                                                                                                                                                                                                                                                                                                                                                                                                     | For the purposes of this Regulation the following definitions shall apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | For the purposes of this Regulation the following definitions shall apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Article 3, first paragraph, point (1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 152                                   | (1) ‘construction product’ means any formed or formless physical item, including its packaging and instructions for use, or a kit or assembly combining such items, that is placed on the market or produced for incorporation in a permanent manner in construction works or parts thereof within the Union, with the exception of items that are necessarily first integrated into an assembly, kit or other construction product prior to being incorporated in a permanent | (1) ‘construction product’ means any <del>formed or formless physical item, including its packaging and instructions for use,</del> <u>product</u> or a kit <del>or assembly combining such items, that is</del> <u>which is produced and</u> placed on the market or <del>produced</del> <u>supplied to the construction site</u> for incorporation in a permanent manner in construction works or parts thereof within the Union, <del>with the exception of items that are necessarily first integrated into an assembly, kit</del> <u>including 3D-printed</u> | (1) ‘construction product’ means any formed or formless physical item, <del>including its packaging and instructions for use,</del> <u>or a kit</u> <del>or assembly</del> <u>combining</u> such items, that is placed on the market <del>or produced</del> <u>for</u> incorporation in a permanent manner in construction works or parts thereof <del>within the Union,</del> <u>with the exception of items that are</u> necessarily first integrated into <del>an assembly,</del> <u>a</u> kit or <del>other</del> <u>another</u> construction product prior to being incorporated in a permanent manner in |                 |

|                                       | Commission Proposal                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                            | Draft Agreement |
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|                                       | manner in construction works;                                | <u>products</u> or other <del>construction product prior to being incorporated in a permanent manner in construction works</del> <u>items covered by this Regulation in accordance with Article 2(1) to (3);</u>                                                                                                                                                                     | construction works;                                                                                                                                                                                        |                 |
| Article 3, first paragraph, point (2) |                                                              |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                            |                 |
| 153                                   | (2) ‘permanent’ means for a duration of two years or longer; | (2) ‘permanent’ means <del>for a duration of two years or longer</del> <u>installed or affixed in such a manner that it may significantly affect the basic work requirements and that it is intended to remain in the construction work or parts thereof and cannot be removed without tools or mechanical force after the completion of the construction or renovation process;</u> | (2) ‘permanent’ means <u>intended to remain in the construction work or parts thereof after the completion of the construction or renovation process</u> <del>for a duration of two years or longer;</del> |                 |
| Article 3, first paragraph, point (3) |                                                              |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                            |                 |

|                                       | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                            | Draft Agreement |
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| 154                                   | (3) ‘product’ means a construction product or other item covered by this Regulation in accordance with Article 2(1) to (3);                                                                                                                                                | <i>deleted</i>                                                                                                                                                                                                                                                             | (3) ‘product’ means a construction product or other item <u>falling within the scope of</u> <del>covered by</del> this Regulation <u>as set out in</u> <del>in</del> <del>accordance with</del> Article <del>2(1) to (3)</del> <u>2</u> ;                                  |                 |
| Article 3, first paragraph, point (4) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                 |
| 155                                   | (4) ‘making available on the market’ means any supply of a product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge, regardless whether in the framework of providing a service or not; | (4) ‘making available on the market’ means any supply of a product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge, regardless whether in the framework of providing a service or not; | (4) ‘making available on the market’ means any supply of a product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge, regardless whether in the framework of providing a service or not; |                 |
| Article 3, first paragraph, point (5) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                 |
| 156                                   |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                 |

|                                       | Commission Proposal                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                         | Council Mandate                                                                                                                    | Draft Agreement |
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|                                       | (5) 'direct installation' means the installation of a product into a construction work of a client without prior making available on the market or the installation of a one-family house covered by this Regulation, regardless whether in the framework of providing a service or not; | <i>deleted</i>                                                                                                                     | <i>deleted</i>                                                                                                                     |                 |
| Article 3, first paragraph, point (6) |                                                                                                                                                                                                                                                                                          |                                                                                                                                    |                                                                                                                                    |                 |
| 157                                   | (6) 'performance' means the degree to which a product has certain scalable essential characteristics;                                                                                                                                                                                    | (6) 'performance' means the degree to which a product has certain scalable essential characteristics;                              | (6) 'performance' means the degree to which a product has certain scalable essential characteristics;                              |                 |
| Article 3, first paragraph, point (7) |                                                                                                                                                                                                                                                                                          |                                                                                                                                    |                                                                                                                                    |                 |
| 158                                   | (7) 'essential characteristics' means those characteristics of the product which relate to the basic requirements for construction                                                                                                                                                       | (7) 'essential characteristics' means those characteristics of the product which relate to the basic requirements for construction | (7) 'essential characteristics' means those characteristics of the product which relate to the basic requirements for construction |                 |



|                                       | Commission Proposal                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                       | works as set out in Annex I Part A Point 1 or which have been listed in Annex I Part A Point 2;                                                                                                                                                                                               | works as set out in Annex I Part A <del>Point 1 or</del> <u>the environmental characteristics</u> which have been listed in Annex I Part <del>A Point 2</del> <u>B</u> ;                                                                                                                                                                                                                                                                                                                | works as set out in Annex <del>I Part A</del> <u>I-A</u> Point 1 <del>and those or</del> which <del>have been</del> <u>are</u> listed <del>in Annex I Part A as predetermined</del> <u>environmental characteristics in Annex I-A</u> Point 2;                                                                                                                                   |                 |
| Article 3, first paragraph, point (8) |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 159                                   | (8) ‘product requirements’ means a threshold level or another characteristic with which a product has to comply before it can be placed on the market or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided; | (8) ‘product requirements’ means a threshold level or another characteristic <del>with which a product has to comply before it can be placed on the market or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided</del> <u>set out in Annex I Part C 1 and C 2, and specified in accordance with Article 5, with which a construction product has to comply before it can be placed on the market</u> ; | (8) ‘ <u>inherent</u> product <del>requirements</del> <u>requirement</u> ’ means a <del>threshold level or another</del> characteristic with which a product has to comply <u>with</u> before it can be placed on the market <del>or installed directly, including those requirements relating to labelling and instructions for use or other information to be provided</del> ; |                 |

|                                       | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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| Article 3, first paragraph, point (9) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 160                                   | <p>(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the 3D-printing service provider, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, other than authorities, notified bodies, technical assessment bodies and product contact points for construction who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing or repackaging of products, or making those products available on the market or installing those products directly in accordance with this Regulation, and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>1</sup>;</p> | <p>(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, the <del>3D-printing service provider</del>, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, <del>other than authorities, notified bodies, technical assessment bodies and product contact points for construction</del> who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing <del>or repackaging</del> of products, or making those products available on the market <del>or installing those products directly</del> in accordance with this Regulation, <del>and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>1</sup></del>;</p> | <p>(9) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, <del>and</del> the fulfilment service provider, <del>the 3D-printing service provider, manufacturer, importer or distributor of materials intended for 3D-printing of products, online seller, the broker, the supplier, the service provider, the own-brand-labeller or any other natural or legal person, other than authorities, notified bodies, technical assessment bodies and product contact points for construction who is subject to this Regulation in relation to the manufacturing, de-installation for re-use, re-manufacturing or repackaging of products, or making those products available on the market or installing those products directly in accordance with this Regulation, and economic operators as defined in Article 3, point (13) of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>1</sup></del>;</p> |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                        | <p>1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</p>                                                                                | <p><del>1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</del></p> | <p><del>1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</del></p> |                 |
| Article 3, first paragraph, point (10) |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| 161                                    | <p>(10) ‘3D-printing service provider’ means any natural or legal person offering, in the course of a commercial activity, one of the following services: renting or leasing out 3D-printers, printing out 3D-printing datasets, or brokering one of these services, regardless of whether the printing material is provided by that person or not;</p> | <p><i>deleted</i></p>                                                                                                                                                                                                                                                               | <p><i>deleted</i></p>                                                                                                                                                                                                                                                               |                 |
| Article 3, first paragraph, point (11) |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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| 162                                           | (11) ‘materials intended for 3D-printing of products’ means any material intended or the 3D-printing of products for which the respective economic operators have not explicitly and consistently excluded the use as materials for 3D-printing; | (11) ‘materials intended for 3D-printing of products’ means any material intended or the 3D-printing of products for which the respective economic operators have not explicitly and consistently excluded the use as materials for 3D-printing; | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| <i>Article 3, first paragraph, point (12)</i> |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 163                                           | (12) ‘manufacturer’ means a manufacturer as defined in Article 3, point (8), of Regulation (EU) 2019/1020;                                                                                                                                       | (12) ‘manufacturer’ means a manufacturer as defined in Article 3, point (8), of Regulation (EU) 2019/1020;                                                                                                                                       | <p>(12) ‘manufacturer’ means a manufacturer as defined in Article 3, point (8), of Regulation (EU) 2019/1020<sup>1</sup>;</p> <p>_____</p> <p><u><a href="#">1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</a></u></p> |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 3, first paragraph, point (13) |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 164                                    | (13) ‘3D-datasets’ means a set of numerical data describing the shape of an object by its outer dimensions and its cavities in view of permitting the 3D-printing of that object;                                                                                                                                                                                                                                    | (13) ‘3D-datasets’ means a set of numerical data describing the shape of an object by its outer dimensions and its cavities in view of permitting the 3D-printing of that object;                                                                                                                                                                                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 3, first paragraph, point (14) |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 165                                    | (14) ‘construction works’ means buildings and civil engineering works that may both be over or in the ground or water, including bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, water ways, and installations which are the basis for rails of railways, but excluding wind mills, oil platforms or chemical plants, | (14) ‘construction works’ means buildings and civil engineering works that may both be over or in the ground or water, including bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, water ways, and installations which are the basis for rails of railways, but excluding wind mills, oil platforms or chemical plants, | (14) ‘construction works’ means buildings and civil engineering works that may both be over or in the ground or water, including <i>but not limited to roads</i> , bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, water ways, and installations which are the basis for rails of railways, but excluding wind mills, oil |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                              | Council Mandate                                                                                                                                                                                       | Draft Agreement |
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|                                        | industry manufacturing installations, agricultural installations, electricity generation installations, military installations, whilst their shelters may be buildings;                                                                                                                                         | industry manufacturing installations, agricultural installations, electricity generation installations, military installations, whilst their shelters may be buildings; | platforms or chemical plants, industry manufacturing installations, agricultural installations, electricity generation installations, military installations, whilst their shelters may be buildings; |                 |
| Article 3, first paragraph, point (15) |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                         |                                                                                                                                                                                                       |                 |
| 166                                    | (15) ‘buildings’ means facilities, other than containers, giving shelter to humans, animals or objects, which either are permanently fixed to the ground or can only be transported by the help of special equipment whilst having a surface floor space of at least 20m <sup>2</sup> on one or several levels; | <i>deleted</i>                                                                                                                                                          | <i>deleted</i>                                                                                                                                                                                        |                 |
| Article 3, first paragraph, point (16) |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                         |                                                                                                                                                                                                       |                 |
| 167                                    | (16) ‘level’ means the result of the                                                                                                                                                                                                                                                                            | (16) ‘level’ means the <i>result of the</i>                                                                                                                             | (16) ‘level’ means the result of the                                                                                                                                                                  |                 |

|                                        | Commission Proposal                                                                                                      | EP Mandate                                                                                                                                                                                                                                                      | Council Mandate                                                                                                          | Draft Agreement |
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|                                        | assessment of the performance of a product in relation to its essential characteristics, expressed as a numerical value; | <del>assessment of the</del> <u>expression of</u> performance <del>of a product in relation to its essential characteristics, expressed as a numerical value</del> <u>without a classification of potential performance or a specified minimum or maximum</u> ; | assessment of the performance of a product in relation to its essential characteristics, expressed as a numerical value; |                 |
| Article 3, first paragraph, point (17) |                                                                                                                          |                                                                                                                                                                                                                                                                 |                                                                                                                          |                 |
| 168                                    | (17) ‘class’ means a range of levels, delimited by a minimum and a maximum value, of performance of a product;           | (17) ‘class’ means <del>a range of levels, delimited by a minimum and a maximum value, of performance of a product</del> <u>an expression of performance within a systematic division of potential performances</u> ;                                           | (17) ‘class’ means a range of levels, delimited by a minimum and a maximum value, of performance of a product;           |                 |
| Article 3, first paragraph, point (18) |                                                                                                                          |                                                                                                                                                                                                                                                                 |                                                                                                                          |                 |
| 169                                    | (18) ‘threshold level’ means a mandatory minimum or maximum                                                              | (18) ‘threshold level’ means a mandatory minimum or maximum                                                                                                                                                                                                     | (18) ‘threshold level’ means a <del>mandatory</del> minimum or maximum                                                   |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                        | performance level of a product with regard to a certain essential characteristic;                                                                                                                                                        | performance level of a product with regard to a certain essential characteristic;                                                                                                                                                        | performance level of a product with regard to a certain essential characteristic;                                                                                                                                                                                                                                          |                 |
| Article 3, first paragraph, point (19) |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                            |                 |
| 170                                    | (19) ‘placing on the market’ means the first making available of a product on the Union market or the first making available of a used product where any of the conditions of Article 2(2) are fulfilled or of a remanufactured product; | (19) ‘placing on the market’ means the first making available of a product on the Union market or the first making available of a used product where any of the conditions of Article 2(2) are fulfilled or of a remanufactured product; | (19) ‘placing on the market’ means the first making available of a product on the Union market or the first making available <u>on the market</u> of a used product <del>where any of the conditions of Article 2(2) are fulfilled or of a remanufactured product</del> <u>after a de-installation of such a product</u> ; |                 |
| Article 3, first paragraph, point (20) |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                            |                 |
| 171                                    | (20) ‘key part’ means a part which is intended by the manufacturer of a product or another economic operator to be used as component or spare part for a product and that                                                                | (20) ‘key part’ means a part which is intended by the manufacturer of a product or another economic operator to be used as component or spare part for a product and that                                                                | (20) ‘key part’ means a part which is <del>intended by the manufacturer of a product or another economic operator to be</del> used as <u>a</u> component or spare part for a                                                                                                                                               |                 |



|                                        | Commission Proposal                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                        | has been specified by harmonised technical specifications as essential for the characterisation, safety or performance of a product;                                                                                           | has been specified by harmonised technical specifications as essential for the characterisation, safety or performance of a product;                                                                                           | <u>construction</u> product and <del>that</del> <u>which</u> has been specified by <u>a</u> harmonised technical <del>specifications</del> <u>specification</u> as essential for the characterisation, safety or performance of a <u>construction</u> product;                               |                 |
| Article 3, first paragraph, point (21) |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                              |                 |
| 172                                    | (21) ‘kit’ means a product placed on the market by a single economic operator as a set of at least two separate items, none of which needs to be a product itself, intended to be incorporated together in construction works; | (21) ‘kit’ means a product placed on the market by a single economic operator as a set of at least two separate items, none of which needs to be a product itself, intended to be incorporated together in construction works; | (21) ‘kit’ means a <u>construction</u> product placed on the market by a single economic operator <del>as a</del> <u>asa</u> set of at least two separate items, none of which needs to be a <u>construction</u> product itself, intended to be incorporated together in construction works; |                 |
| Article 3, first paragraph, point (22) |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                              |                 |
| 173                                    | (22) ‘assembly’ means a set of at least two separate items, one of                                                                                                                                                             |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                              |                 |

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|                                        | which is a product;                                                                                                                                                                                                                              | <i>deleted</i>                                                                                                                                                                                                                                   | <i>deleted</i>                                                                                                                                                                                                                                                                                                  |                 |
| Article 3, first paragraph, point (23) |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                 |                 |
| 174                                    | (23) ‘European assessment document’ means a document adopted by the organisation of technical assessment bodies for the purposes of issuing European technical assessments;                                                                      | (23) ‘European assessment document’ means a document adopted by the organisation of technical assessment bodies for the purposes of issuing European technical assessments;                                                                      | (23) ‘European assessment document’ means a document adopted by the organisation of technical assessment bodies for the purposes of issuing European technical assessments;                                                                                                                                     |                 |
| Article 3, first paragraph, point (24) |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                 |                 |
| 175                                    | (24) ‘used product’ means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council , and which has been installed at least once into a construction work, and that: | (24) ‘used product’ means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council , and which has been installed at least once into a construction work, and that: | (24) ‘used product’ means a product that is not waste <del>as defined in Article 3, point (1), of</del> <u>or has ceased to be waste in accordance with</u> Directive 2008/98/EC of the European Parliament and of the Council-, and which has been installed at least once into a construction work, and that: |                 |

|                                           | Commission Proposal                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| Article 3, first paragraph, point (24)(a) |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                     |                 |
| 176                                       | (a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to common civil engineering knowledge; | (a) has not been subject to a process going beyond repair, cleaning or regular maintenance, as specified by the original manufacturer in its instructions for use or acknowledged to be necessary according to <del>common civil</del> <u>the most up-to-date subject-specific</u> engineering knowledge; | <i>deleted</i>                                                                                                                                                                                                                                                                                                                      |                 |
| Article 3, first paragraph, point (24)(b) |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                     |                 |
| 177                                       | (b) has not undergone a process going beyond repair, cleaning and regular maintenance or 'preparing for re-use' in the meaning of Article 3, point (16) of Directive 2008/98/EC after being de-installed;                                          | (b) has not undergone a process going beyond repair, cleaning and regular maintenance or 'preparing for re-use' in the meaning of Article 3, point (16) of Directive 2008/98/EC after being de-installed;                                                                                                 | (b) has not undergone a process going beyond <del>repair</del> <u>checking</u> , cleaning <u>or repairing recovery operations, by which the product or components of products are prepared so that they can be used for construction purposes without any other pre-processing</u> <del>and regular maintenance or 'preparing</del> |                 |

|                                           | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                   | Draft Agreement |
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|                                           |                     |            | <i>for re-use' in the meaning of Article 3, point (16) of Directive 2008/98/EC after being de-installed; <u>or</u></i>                                                                                                                                            |                 |
| Article 3, first paragraph, point (24)(c) |                     |            |                                                                                                                                                                                                                                                                   |                 |
| 177a                                      |                     |            | <i><u>(c) has been subject to a transformative process going beyond checking, cleaning and repairing recovery operations which according to the applicable harmonised technical specification is qualified as non-essential to the product's performance;</u></i> |                 |
| Article 3, first paragraph, point (24a)   |                     |            |                                                                                                                                                                                                                                                                   |                 |
| 177b                                      |                     |            | <i><u>(24a) 'intended use' means the purpose of a product as defined in the applicable harmonised technical specifications or</u></i>                                                                                                                             |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                        |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>European assessment documents.</u>                                                                                                                                                                                                                                                                                                                                                     |                 |
| Article 3, first paragraph, point (25) |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 178                                    | (25) ‘intended use’ means the use intended by the manufacturer, including the conditions for usage, as laid out in technical documentation, on labels, in instructions for use, or in publicity material, whilst usages mentioned only in one of these are already part of the ‘intended use’; | (25) ‘intended use’ means the <u>intended use as determined</u> <del>use intended</del> by the manufacturer;<br><del>including the conditions for usage, as laid out in technical documentation, on labels, in instructions for use, or in publicity material, whilst usages mentioned only in one of these are already part of the ‘intended use’</del> <u>of the construction product as defined in the applicable harmonised technical specification</u> ; | (25) ‘ <del>intended</del> <u>declared</u> ’ use’ means the use intended by the manufacturer, including the conditions for usage, as laid out in technical documentation, on labels, in instructions for use, <u>in safety information</u> , or in publicity material, whilst usages mentioned only in one of these are already part of the ‘ <del>intended</del> <u>declared</u> ’ use’; |                 |
| Article 3, first paragraph, point (26) |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 179                                    | (26) ‘repair’ means the process of returning a faulty product to a condition where it can fulfil its                                                                                                                                                                                           | (26) ‘repair’ means the process of <del>returning</del> <u>fixing</u> a faulty <u>product or replacing its defective</u>                                                                                                                                                                                                                                                                                                                                      | (26) ‘repair’ means the process of returning a faulty product to a condition where it can fulfil its                                                                                                                                                                                                                                                                                      |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                             | Draft Agreement |
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|                                        | intended use;                                                                                                                                                                                                                                                                                                 | <u>components, in order to return the</u> product to a condition where it can fulfil its intended use;                                                                                                                                                                                                        | <del>intended</del> <u>declared</u> use;                                                                                    |                 |
| Article 3, first paragraph, point (27) |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                             |                 |
| 180                                    | (27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as required;                                                                                                                                                                                   | (27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as <del>required</del> <u>specified</u> ;                                                                                                                                                      | (27) ‘maintenance’ means an action carried out to retain a product in a condition where it is able to function as required; |                 |
| Article 3, first paragraph, point (28) |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                             |                 |
| 181                                    | (28) ‘remanufactured product’ means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC, but that has been installed at least once into a construction work, and that has been subject to a transformative process going beyond repair, cleaning and regular maintenance; | (28) ‘remanufactured product’ means a product that is not waste as defined in Article 3, point (1), of Directive 2008/98/EC, but that has been installed at least once into a construction work, and that has been subject to a transformative process going beyond repair, cleaning and regular maintenance; | <i>deleted</i>                                                                                                              |                 |

|                                               | Commission Proposal                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                     | Council Mandate                                                                           | Draft Agreement |
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|                                               |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                           |                 |
| <i>Article 3, first paragraph, point (29)</i> |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                           |                 |
| 182                                           | (29) ‘risk’ means risk as defined in Article 3, point (18), of Regulation (EU) 2019/1020;                                                                                                                      | (29) ‘risk’ means risk as defined in Article 3, point (18), of Regulation (EU) 2019/1020;                                                                                                                      | (29) ‘risk’ means risk as defined in Article 3, point (18), of Regulation (EU) 2019/1020; |                 |
| <i>Article 3, first paragraph, point (30)</i> |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                           |                 |
| 183                                           | (30) ‘preparing for re-use’ means checking, cleaning or repairing retrieval operations, by which products or components of products are prepared so that they can be re-used without any other pre-processing; | (30) ‘preparing for re-use’ means checking, cleaning or repairing retrieval operations, by which products or components of products are prepared so that they can be re-used without any other pre-processing; | <i>deleted</i>                                                                            |                 |
| <i>Article 3, first paragraph, point (31)</i> |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                           |                 |
| 184                                           |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                           |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                        | (31) ‘product type’ means the abstract model of individual products, determined by the intended use and a set of characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical items of different manufacturers also belong to different product types; | (31) ‘product type’ means the abstract model of individual products, <del>determined</del> <u>defined</u> by the <del>intended use and a</del> <u>same</u> set of <del>characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical items of different manufacturers also belong to different product types;</del> <u>declared performances;</u> | (31) ‘product type’ means the abstract model of individual products, determined by the intended use and a set of characteristics which exclude any variation with regard to performance or to the fulfilment of product requirements set-out in or in accordance with this Regulation, produced in a specific production process using a given combination of raw materials or components, whilst identical <del>items</del> <u>products</u> of different manufacturers also belong to different product types; |                 |
| Article 3, first paragraph, point (32) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 185                                    | (32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen;                                                                                                                                                                                                                                                                                                 | (32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it and thus above the average of ways which can be chosen <u>or a performance representing what is currently possible applying common</u>                                                                                                                                                                                                                                                                                                            | (32) ‘state of the art’ means a way to achieve a certain goal which is either the most effective and advanced or close to it <del>and thus above the average of ways which can be chosen;</del>                                                                                                                                                                                                                                                                                                                 |                 |



|                                        | Commission Proposal                                                                                                                       | EP Mandate                                                                                                                                | Council Mandate                                                                                                                           | Draft Agreement |
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|                                        |                                                                                                                                           | <u><i>technologies, whether or not it is the most technologically advanced solution;</i></u>                                              |                                                                                                                                           |                 |
| Article 3, first paragraph, point (33) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |
| 186                                    | (33) ‘recycling’ means recycling as defined in Article 3, point (17), of Directive 2008/98/EC;                                            | (33) ‘recycling’ means recycling as defined in Article 3, point (17), of Directive 2008/98/EC;                                            | (33) ‘recycling’ means recycling as defined in Article 3, point (17), of Directive 2008/98/EC;                                            |                 |
| Article 3, first paragraph, point (34) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |
| 187                                    | (34) ‘fulfilment service provider’ means a fulfilment service provider as defined in Article 3, point (11), of Regulation (EU) 2019/1020; | (34) ‘fulfilment service provider’ means a fulfilment service provider as defined in Article 3, point (11), of Regulation (EU) 2019/1020; | (34) ‘fulfilment service provider’ means a fulfilment service provider as defined in Article 3, point (11), of Regulation (EU) 2019/1020; |                 |
| Article 3, first paragraph, point (35) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |
| 188                                    |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                            | Draft Agreement |
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|                                        | (35) ‘product family’ means all product types belonging to the product areas listed in Annex IV, Table 1;                                                                                                                                                  | (35) ‘product family’ means all product types belonging to the product areas listed in Annex IV, Table 1;                                                                                                                                                  | (35) ‘product family’ means all product types belonging to <del>the product areas</del> <u>one of the families</u> listed in Annex IV, <del>Table 1</del> ;                                                                                                |                 |
| Article 3, first paragraph, point (36) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |
| 189                                    | (36) ‘product category’ means a subset of the product types of a certain product family encompassing those product types which have in common a certain intended use as specified in harmonised technical specifications or European assessment documents; | (36) ‘product category’ means a subset of the product types of a certain product family encompassing those product types which have in common a certain intended use as specified in harmonised technical specifications or European assessment documents; | (36) ‘product category’ means a subset of the product types of a certain product family encompassing those product types which have in common a certain intended use as specified in harmonised technical specifications or European assessment documents; |                 |
| Article 3, first paragraph, point (37) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |
| 190                                    | (37) ‘factory production control’ means the documented, permanent and internal production control in a factory with regard to certain                                                                                                                      | (37) ‘factory production control’ means the documented, permanent and internal production control in a factory with regard to certain                                                                                                                      | (37) ‘factory production control’ means the documented, <del>permanent</del> <u>continuous</u> and internal production control in a factory with regard to                                                                                                 |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                        | parameters or quality aspects, reflecting the specificities of a respective product family or a group and manufacturing processes, and which aim at the constancy of performance or of continuous fulfilment of product requirements, executed in accordance with Annex V; | parameters or quality aspects, reflecting the specificities of a respective product family or a group and manufacturing processes, and which aim at the constancy of performance or of continuous fulfilment of product requirements, executed in accordance with Annex V; | certain parameters or quality aspects, reflecting the specificities of a respective product family or <del>a group</del> <u>category</u> and manufacturing processes, and which aim at the constancy of performance or of continuous fulfilment of product requirements, executed in accordance with Annex V; |                 |
| Article 3, first paragraph, point (38) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                               |                 |
| 191                                    | (38) ‘harmonised zone’ means the sphere jointly covered by this Regulation, the harmonised technical specifications, and the Commission acts of general applicability adopted pursuant this Regulation;                                                                    | (38) ‘harmonised zone’ means the sphere jointly covered by this Regulation, the harmonised technical specifications, and <del>the</del> Commission acts of general applicability <u>related to construction products</u> adopted pursuant <u>to</u> this Regulation;       | <i>deleted</i>                                                                                                                                                                                                                                                                                                |                 |
| Article 3, first paragraph, point (39) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                               |                 |
| 192                                    |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                               |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                | Council Mandate                                                                                           | Draft Agreement |
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|                                        | (39) ‘Union law’ means the TEU, the TFEU, general principles of law, acts of general applicability referred to in the second, third and fourth paragraph of Article 288 TFEU and any international agreements to which the Union is party or the Union and its Member States are parties; | <i>deleted</i>                                                                                            | <i>deleted</i>                                                                                            |                 |
| Article 3, first paragraph, point (40) |                                                                                                                                                                                                                                                                                           |                                                                                                           |                                                                                                           |                 |
| 193                                    | (40) ‘importer’ means an importer as defined in Article 3, point (9), of Regulation (EU) 2019/1020;                                                                                                                                                                                       | (40) ‘importer’ means an importer as defined in Article 3, point (9), of Regulation (EU) 2019/1020;       | (40) ‘importer’ means an importer as defined in Article 3, point (9), of Regulation (EU) 2019/1020;       |                 |
| Article 3, first paragraph, point (41) |                                                                                                                                                                                                                                                                                           |                                                                                                           |                                                                                                           |                 |
| 194                                    | (41) ‘distributor’ means a distributor as defined in Article 3, point (10), of Regulation (EU) 2019/1020;                                                                                                                                                                                 | (41) ‘distributor’ means a distributor as defined in Article 3, point (10), of Regulation (EU) 2019/1020; | (41) ‘distributor’ means a distributor as defined in Article 3, point (10), of Regulation (EU) 2019/1020; |                 |

|                                         | Commission Proposal                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                         |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                              |                 |
| Article 3, first paragraph, point (41a) |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                              |                 |
| 194a                                    |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                             | <p><u>(41a) 'authorised representative' means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation;</u></p> |                 |
| Article 3, first paragraph, point (42)  |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                              |                 |
| 195                                     | <p>(42) 'individually manufactured' means that, due to the specifications of the client, there is a variation in terms of manufacturing method when compared with all other products produced for other clients by the economic operator in question;</p> | <p>(42) 'individually manufactured' means that, due to the specifications of the client, there is a <del>variation in terms of manufacturing method</del> <u>need for readjustment of the production equipment for the manufacture</u> when compared with all other products produced for other clients</p> | <p>(42) 'individually manufactured' means that, due to the specifications of the client, there is a variation in terms of manufacturing method when compared with all other products produced for other clients by the economic operator in question;</p>                                    |                 |

|                                        | Commission Proposal                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                  | Draft Agreement |
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|                                        |                                                                                                                                                                                                                                  | by the economic operator in question;                                                                                                                                                            |                                                                                                                                                                                                                                  |                 |
| Article 3, first paragraph, point (43) |                                                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                 |
| 196                                    | (43) ‘micro-enterprise’ means a micro-enterprise as referred to in the Annex to Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ;                                 | (43) ‘micro-enterprise’ means a micro-enterprise as referred to in the Annex to Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ; | <i>deleted</i>                                                                                                                                                                                                                   |                 |
| Article 3, first paragraph, point (44) |                                                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                 |
| 197                                    | (44) ‘custom-made’ means that, due to the specifications of the client, there is a variation in terms of size or material when compared with all other products produced for other clients by the economic operator in question. | <i>deleted</i>                                                                                                                                                                                   | (44) ‘custom-made’ means that, due to the specifications of the client, there is a variation in terms of size or material when compared with all other products produced for other clients by the economic operator in question. |                 |

|                                         | Commission Proposal                                                                                                | EP Mandate                                                                                                                                                               | Council Mandate                                                                                                    | Draft Agreement |
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| Article 3, first paragraph, point (45)  |                                                                                                                    |                                                                                                                                                                          |                                                                                                                    |                 |
| 198                                     | (45) ‘permalink’ means an internet link to a website which is stable both for its content and the address (“URL”); | (45) ‘permalink’ means an internet link to a website which is stable both for its content and the address (“URL”);                                                       | (45) ‘permalink’ means an internet link to a website which is stable both for its content and the address (“URL”); |                 |
| Article 3, first paragraph, point (45a) |                                                                                                                    |                                                                                                                                                                          |                                                                                                                    |                 |
| 198a                                    |                                                                                                                    | <u>(45a) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;</u> |                                                                                                                    |                 |
| Article 3, first paragraph, point (46)  |                                                                                                                    |                                                                                                                                                                          |                                                                                                                    |                 |
| 199                                     |                                                                                                                    |                                                                                                                                                                          |                                                                                                                    |                 |

|                                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                         | (46) ‘harmonised technical specifications’ means construction products standards established in accordance with Article 4(2) the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of this Regulation, and delegated acts adopted in accordance with Article 4(3) and (4), Article 5(2), or Article 22(4) that contain technical prescriptions; | (46) ‘harmonised technical specifications’ means construction products standards established in accordance with Article 4(2) <del>the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were rendered mandatory for purposes of application of this Regulation,</del> and delegated acts adopted in accordance with Article 4(3) and (4), Article <del>5(2)</del> <u>5(1)</u> , or Article 22(4) that contain technical prescriptions; | (46) ‘harmonised technical specifications’ means construction <del>products standards established</del> <u>product performance standards which</u> in accordance with Article <del>4(2) the reference of which has been published in the Official Journal in accordance with Article 34 and thereby were</del> <u>4(2d) have been</u> rendered mandatory for <del>the</del> purposes of <u>the</u> application of this Regulation, <del>as well as and</del> delegated <u>or implementing</u> acts adopted in accordance with Article <del>4(3) and (4)</del> <u>4a(1), (2) and (3)</u> , Article <del>5(2), 5(1)</del> or Article <del>22(4)</del> <u>that contain technical prescriptions</u> <u>6(1)</u> ; |                 |
| Article 3, first paragraph, point (46a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 199a                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>(46a) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c) of Regulation (EU) No 1025/2012;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |



|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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| Article 3, first paragraph, point (47) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 200                                    | (47) ‘Construction products standard’ means a standard adopted by a European standardisation organisation on the basis of a request made by the Commission for the application of this Regulation the reference of which has been published in the Official Journal in accordance with Article 34, regardless of whether the use of such standard is rendered mandatory for purposes of application under this Regulation in accordance with Article 4(2) and Article 34(2) or whether they stay voluntary in accordance with Article 5(2), Article 22(4) and Article 34(3); | (47) ‘Construction products standard’ means a standard adopted by a European standardisation organisation on the basis of a request made by the Commission for the application of this Regulation the reference of which has been published in the Official Journal in accordance with Article 34, regardless of whether the use of such standard is rendered mandatory for purposes of application under this Regulation in accordance with Article 4(2) and Article 34(2) or whether they stay voluntary in accordance with Article 5(2), Article 22(4) and Article 34(3); | (47) ‘construction <del>products</del> <u>product performance</u> standard’ means a <del>standard adopted by a European standardisation organisation on the basis of a request made by the Commission for the application of this Regulation the reference of which has been published in the Official Journal in accordance with Article 34, regardless of whether the use of such standard is rendered mandatory for purposes of application under this Regulation in accordance with Article 4(2) and Article 34(2) or whether they stay voluntary in accordance with</del> <u>harmonised standard laying down methods and criteria for assessing the performance of a product in relation to its essential characteristics as set out in Article 5(2), Article 22(4) and Article 34(3)</u> <u>4</u> ; |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                      | Draft Agreement |
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| Article 3, first paragraph, point (48) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                      |                 |
| 201                                    | (48) ‘double use product’ means a product that is, by its manufacturer, intended to be used as product and as an item with another intended use that would fall outside of the scope of this Regulation if it had only that other intended use; | (48) ‘double use product’ means a product that is <del>intended</del> by its manufacturer, <del>intended</del> to be used as <u>a</u> product <del>and/or</del> as an item with another <del>intended</del> use that would fall outside of the scope of this Regulation if it had only that other intended use; | <i>deleted</i>                                                                                                                                       |                 |
| Article 3, first paragraph, point (49) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                      |                 |
| 202                                    | (49) ‘European standardisation organisation’ means a European standardisation organisation as defined in Article 2(8), of Regulation (EU) 1025/2012;                                                                                            | (49) ‘European standardisation organisation’ means a European standardisation organisation as defined in Article 2(8), of Regulation (EU) 1025/2012;                                                                                                                                                            | (49) ‘European standardisation organisation’ means a European standardisation organisation as defined in Article 2(8), of Regulation (EU) 1025/2012; |                 |
| Article 3, first paragraph, point (50) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                      |                 |
| 203                                    |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                      |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                           | Draft Agreement |
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|                                        | (50) ‘European technical assessment’ (ETA) means the documented assessment of the performance of a product, in relation to its essential characteristics, in accordance with the respective European assessment document;                      | (50) ‘European technical assessment’ (ETA) means the documented assessment of the performance of a product, in relation to its essential characteristics, in accordance with the respective European assessment document; | (50) ‘European technical assessment’ (ETA) means the documented assessment of the performance of a product, in relation to its essential characteristics, in accordance with the respective European assessment document; |                 |
| Article 3, first paragraph, point (51) |                                                                                                                                                                                                                                                |                                                                                                                                                                                                                           |                                                                                                                                                                                                                           |                 |
| 204                                    | (51) ‘full-time equivalence’ means the work-power of one person employed full-time as defined by the Member State concerned or the work-power of several persons employed part-time working together the same number of hours per day or week; | <i>deleted</i>                                                                                                                                                                                                            | <i>deleted</i>                                                                                                                                                                                                            |                 |
| Article 3, first paragraph, point (52) |                                                                                                                                                                                                                                                |                                                                                                                                                                                                                           |                                                                                                                                                                                                                           |                 |
| 205                                    | (52) ‘non-series process’ means a                                                                                                                                                                                                              | (52) ‘non-series process’ means a                                                                                                                                                                                         | (52) ‘non-series process’ means a                                                                                                                                                                                         |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|                                        | process that is neither prevalingly automated or produced using assembly-line techniques, nor repeated more than 100 times per year by the economic operator in question or the economic operators belonging to the same group of companies, defined by a common controlling natural or legal person, or the same organisational structure; | process that is neither prevalingly automated or produced using assembly-line techniques, nor repeated more than 100 times per year by the economic operator in question or the economic operators belonging to the same group of companies, defined by a common controlling natural or legal person, or the same organisational structure; | process that is neither prevalingly automated or produced using assembly-line techniques, nor repeated more than 100 times per year by the economic operator in question or the economic operators belonging to the same group of companies, defined by a common controlling natural or legal person, or the same organisational structure; |                 |
| Article 3, first paragraph, point (53) |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                 |
| 206                                    | (53) ‘withdrawal’ means withdrawal as defined in Article 3, point (23), of Regulation (EU) No 2019/1020;                                                                                                                                                                                                                                    | (53) ‘withdrawal’ means withdrawal as defined in Article 3, point (23), of Regulation (EU) No 2019/1020;                                                                                                                                                                                                                                    | (53) ‘withdrawal’ means withdrawal as defined in Article 3, point (23), of Regulation (EU) No 2019/1020;                                                                                                                                                                                                                                    |                 |
| Article 3, first paragraph, point (54) |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                 |
| 207                                    | (54) ‘recall’ means withdrawal as defined in Article 3, point (22), of                                                                                                                                                                                                                                                                      | (54) ‘recall’ means withdrawal as defined in Article 3, point (22), of                                                                                                                                                                                                                                                                      | (54) ‘recall’ means <del>withdrawal</del> <u>recall</u> as defined in Article 3, point                                                                                                                                                                                                                                                      |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                        | Draft Agreement |
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|                                        | Regulation (EU) No 2019/1020;                                                                                                                                                                                                                          | Regulation (EU) No 2019/1020;                                                                                                                                                                                                                          | (22), of Regulation (EU) No 2019/1020;                                                                                                                                                                                                                 |                 |
| Article 3, first paragraph, point (55) |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                        |                 |
| 208                                    | (55) ‘online marketplace’ means a provider of an intermediary service using software, including a website, part of a website or an application, that allows customers to conclude distance contracts with economic operators for the sale of products; | (55) ‘online marketplace’ means a provider of an intermediary service using software, including a website, part of a website or an application, that allows customers to conclude distance contracts with economic operators for the sale of products; | (55) ‘online marketplace’ means a provider of an intermediary service using software, including a website, part of a website or an application, that allows customers to conclude distance contracts with economic operators for the sale of products; |                 |
| Article 3, first paragraph, point (56) |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                        |                 |
| 209                                    | (56) ‘online interface’ means online interface as defined in Article 3, point (15), of Regulation (EU) 2019/1020;                                                                                                                                      | (56) ‘online interface’ means online interface as defined in Article 3, point (15), of Regulation (EU) 2019/1020;                                                                                                                                      | (56) ‘online interface’ means online interface as defined in Article 3, point (15), of Regulation (EU) 2019/1020;                                                                                                                                      |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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| Article 3, first paragraph, point (57) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |                 |
| 210                                    | (57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market or direct installation of products;                                                                                                      | (57) ‘broker’ means any natural or legal person providing an intermediation service for the placing on the market <del>or direct installation</del> of products;                                                                                           | <i>deleted</i>  |                 |
| Article 3, first paragraph, point (58) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |                 |
| 211                                    | (58) ‘own-brand-labeller’ means any natural or legal person other than the manufacturer who wishes to sell a product as his own and therefore affixes his name, trade-mark or label in addition to the mandatory inscriptions of other economic operators; | (58) ‘own-brand-labeller’ means any natural or legal person other than the manufacturer who wishes to sell a product as his own and therefore affixes his name, trade-mark or label in addition to the mandatory inscriptions of other economic operators; | <i>deleted</i>  |                 |
| Article 3, first paragraph, point (59) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |                 |
| 212                                    |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |                 |                 |

|                                               | Commission Proposal                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                       | Council Mandate                                                                               | Draft Agreement |
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|                                               | (59) ‘supplier’ means any natural or legal person providing raw materials or interim products to manufacturers or to other persons providing raw materials or interim products to manufacturers;                                 | (59) ‘supplier’ means any natural or legal person providing raw materials or interim products to manufacturers or to other persons providing raw materials or interim products to manufacturers;                                 | <i>deleted</i>                                                                                |                 |
| <i>Article 3, first paragraph, point (60)</i> |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                                                                                               |                 |
| 213                                           | (60) ‘service provider’ means any natural or legal person providing a service to a manufacturer or to a supplier of a key part, provided that the service is relevant for the manufacturing of products, including their design; | (60) ‘service provider’ means any natural or legal person providing a service to a manufacturer or to a supplier of a key part, provided that the service is relevant for the manufacturing of products, including their design; | <i>deleted</i>                                                                                |                 |
| <i>Article 3, first paragraph, point (61)</i> |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                                                                                               |                 |
| 214                                           | (61) ‘accreditation’ means ‘accreditation’ as defined in Article 2(10), of Regulation (EC) No                                                                                                                                    | (61) ‘accreditation’ means ‘accreditation’ as defined in Article 2(10), of Regulation (EC) No                                                                                                                                    | (61) ‘accreditation’ means ‘accreditation’ as defined in Article 2(10), of Regulation (EC) No |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                                        | 765/2008;                                                                                                                                                                                                                                                           | 765/2008;                                                                                                                                                                                                                                                           | 765/2008;                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| Article 3, first paragraph, point (62) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 215                                    | (62) ‘market surveillance authority’ means an authority as defined in Article 3, point (4), of Regulation (EU) 2019/1020;                                                                                                                                           | (62) ‘market surveillance authority’ means an authority as defined in Article 3, point (4), of Regulation (EU) 2019/1020;                                                                                                                                           | (62) ‘market surveillance authority’ means an authority as defined in Article 3, point (4), of Regulation (EU) 2019/1020;                                                                                                                                                                                                                                                                            |                 |
| Article 3, first paragraph, point (63) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 216                                    | (63) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, from raw material acquisition or generation from natural resources over manufacturing, de-installation, possibly reuse with or without prior remanufacturing to final disposal; | (63) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, from raw material acquisition or generation from natural resources over manufacturing, de-installation, possibly reuse with or without prior remanufacturing to final disposal; | (63) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, from raw material acquisition or generation from natural resources, <u>or in the case of products which have previously been incorporated in a construction work, from the latest de-installation from the construction work,</u> <del>over manufacturing, de-installation, possibly reuse with or without</del> |                 |



|                                        | Commission Proposal                                                                                                                                                            | EP Mandate                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                        |                                                                                                                                                                                |                                                                                                                                                                                | <del>prior remanufacturing</del> to final disposal;                                                                                                                                                                                                                                        |                 |
| Article 3, first paragraph, point (64) |                                                                                                                                                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                            |                 |
| 217                                    | (64) ‘reuse’ means any operation by which a product or its components, having reached the end of their first use, are used for the same purpose for which they were conceived; | (64) ‘reuse’ means any operation by which a product or its components, having reached the end of their first use, are used for the same purpose for which they were conceived; | (64) ‘reuse’ means any operation by which a product <del>or its components</del> , having reached the end of their first use, <del>are used for the same purpose for which they were conceived</del> <u>is used again as a construction product or as part of a construction product</u> ; |                 |
| Article 3, first paragraph, point (65) |                                                                                                                                                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                            |                 |
| 218                                    | (65) ‘competent authority’ means the market surveillance authority designated in accordance with Article 69(1);                                                                | (65) ‘competent authority’ means the market surveillance authority designated in accordance with Article 69(1);                                                                | <i>deleted</i>                                                                                                                                                                                                                                                                             |                 |

|                                         | Commission Proposal                                                                                                      | EP Mandate                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| Article 3, first paragraph, point (66)  |                                                                                                                          |                                                                                                                          |                                                                                                                                                                                                                                                                                                                             |                 |
| 219                                     | (66) ‘national competent authority’ means the market surveillance authority designated in accordance with Article 69(2); | (66) ‘national competent authority’ means the market surveillance authority designated in accordance with Article 69(2); | (66) ‘ <del>national competent authority</del> <u>single liaison point</u> ’ means the market surveillance authority designated in accordance with Article 69(2) <u>as focal point for contacts with the Commission and market surveillance authorities of other Member States on construction product related issues</u> ; |                 |
| Article 3, first paragraph, point (66a) |                                                                                                                          |                                                                                                                          |                                                                                                                                                                                                                                                                                                                             |                 |
| 219a                                    |                                                                                                                          |                                                                                                                          | <u>(66a) ‘notified body’ means a conformity assessment body, notified in accordance with Article 47, that is authorised to carry out assessment and verification tasks under this Regulation.</u>                                                                                                                           |                 |
| Article 3, first paragraph, point (67)  |                                                                                                                          |                                                                                                                          |                                                                                                                                                                                                                                                                                                                             |                 |

|                                         | Commission Proposal                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| 220                                     | (67) ‘notifying authority’ means the single public administration in charge of the designation and supervision of notified bodies, designated in accordance with Article 48, unless specified otherwise in the respective provision: only in the Member State where the respective notified body is located; | (67) ‘notifying authority’ means the single public administration in charge of the designation and supervision of notified bodies, designated in accordance with Article 48, unless specified otherwise in the respective provision: only in the Member State where the respective notified body is located; | (67) ‘notifying authority’ means the single public administration <del>in charge of the designation and supervision of notified bodies</del> <u>body</u> , designated in accordance with Article 48, <del>unless specified otherwise in the respective provision: only in the Member State where the respective</del> <u>in charge of the notification and supervision of</u> notified <del>body is located</del> <u>bodies</u> ; |                 |
| Article 3, first paragraph, point (67a) |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 220a                                    |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                              | <u>(67a) ‘technical assessment body’ (TAB) means a body, designated in accordance with Article 44, that issues European technical assessments on the basis of European Assessment Documents;</u>                                                                                                                                                                                                                                  |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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| Article 3, first paragraph, point (68) |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 221                                    | (68) ‘designating authority’ means the single public administration in charge of the designation and supervision of Technical Assessment Bodies, designated in accordance with Article 43, unless specified otherwise in the respective provision: only in the Member State where the respective technical assessment body is located; | (68) ‘designating authority’ means the single public administration in charge of the designation and supervision of Technical Assessment Bodies, designated in accordance with Article 43, unless specified otherwise in the respective provision: only in the Member State where the respective technical assessment body is located; | (68) ‘designating authority’ means the single public administration <del>in charge of the designation and supervision of Technical Assessment Bodies</del> <u>body</u> , designated in accordance with Article 43, <del>unless specified otherwise in the respective provision: only in the Member State where the respective</del> <u>in charge of the designation and supervision of</u> technical assessment <del>body is located</del> <u>bodies in a Member State</u> ; |                 |
| Article 3, first paragraph, point (69) |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 222                                    | (69) ‘authority’ means the European Commission, its agencies, and any notifying authority, designating authority or market surveillance authority, unless specified otherwise in the respective provision: regardless of                                                                                                               | <i>deleted</i>                                                                                                                                                                                                                                                                                                                         | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                                               | in which Member State it is located;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| <i>Article 3, first paragraph, point (70)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 223                                           | (70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle and even when created indirectly, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use; | (70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle <del>and even when created indirectly</del> , has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use; | (70) ‘product presenting a risk’ means a product that, whenever during its entire life-cycle and even when created indirectly, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and under normal or reasonably foreseeable conditions of use; |                 |
| <i>Article 3, first paragraph, point (71)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                                         | Commission Proposal                                                                                                                                   | EP Mandate                                                                                                                                                                                                                           | Council Mandate                                                                                                                                       | Draft Agreement |
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| 224                                     | (71) ‘product presenting a serious risk’ means a product presenting a serious risk as defined in Article 3, point (20), of Regulation (EU) 2019/1020. | (71) ‘product presenting a serious risk’ means a product presenting a serious risk as defined in Article 3, point (20), of Regulation (EU) 2019/1020.                                                                                | (71) ‘product presenting a serious risk’ means a product presenting a serious risk as defined in Article 3, point (20), of Regulation (EU) 2019/1020. |                 |
| Article 3, first paragraph, point (71a) |                                                                                                                                                       |                                                                                                                                                                                                                                      |                                                                                                                                                       |                 |
| 224a                                    |                                                                                                                                                       | <u>(71a) ‘by-product’ means a ‘by-product’ within the meaning of Article 5 of Directive 2008/98/EC;</u>                                                                                                                              |                                                                                                                                                       |                 |
| Article 3, first paragraph, point (71b) |                                                                                                                                                       |                                                                                                                                                                                                                                      |                                                                                                                                                       |                 |
| 224b                                    |                                                                                                                                                       | <u>(71b) ‘recyclability’ means the ability of waste materials or products to be effectively and efficiently separated, collected, sorted and aggregated as defined waste streams in preparation for recycling, and then recycled</u> |                                                                                                                                                       |                 |

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|                                         |                     | <u>through relevant industrial processes and reprocessed into recycled materials or products, whilst minimising quality or functionality losses compared to the original material or product.</u> |                                                                                                          |                 |
| Article 3, first paragraph, point (71c) |                     |                                                                                                                                                                                                   |                                                                                                          |                 |
| 224c                                    |                     | <u>(71c) 'decorative purposes' means purposes defined by the absence of any structural function or basic requirements for the construction works as listed in Annex I;</u>                        |                                                                                                          |                 |
| Article 3a                              |                     |                                                                                                                                                                                                   |                                                                                                          |                 |
| 224d                                    |                     |                                                                                                                                                                                                   | <u>Article 3a</u><br><u>Preparatory phase for the development of harmonised technical specifications</u> |                 |

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|               |                     |            |                                                                                                                                                                                                                                                                                          |                 |
| Article 3a(1) |                     |            |                                                                                                                                                                                                                                                                                          |                 |
| 224e          |                     |            | <u>1. The Commission shall establish an expert group composed of experts designated by the Member States ('the CPR Acquis Expert Group') to support the Commission in the task of processing Member State requests for EU harmonisation through harmonised technical specifications.</u> |                 |
| Article 3a(2) |                     |            |                                                                                                                                                                                                                                                                                          |                 |
| 224f          |                     |            | <u>2. The Commission shall, after consultations with the CPR Acquis Expert Group, establish a work plan for the development of harmonised technical specifications for product families listed in Annex IV and update it at least every three years. The</u>                             |                 |



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|               |                     |            | <u><i>Commission shall set the priorities of the work plan on the basis of inputs from Member States using a transparent and balanced methodology published together with the work plan.</i></u>                                                                                                                                                           |                 |
| Article 3a(3) |                     |            |                                                                                                                                                                                                                                                                                                                                                            |                 |
| 224g          |                     |            | <u><i>3. Following the work plan established under paragraph 2, Member States shall communicate to the Commission and the CPR Acquis Expert Group the essential characteristics they require for a product family or category, and the assessment methods, threshold levels, performance classes or product requirements that they deem necessary.</i></u> |                 |
| Article 3a(4) |                     |            |                                                                                                                                                                                                                                                                                                                                                            |                 |
| 224h          |                     |            |                                                                                                                                                                                                                                                                                                                                                            |                 |

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|               |                     |            | <p><u>4. On the basis of the basic requirements for construction works set out in Annex I-A, Point 1 and taking into account the regulatory needs communicated by Member States in accordance with paragraph 3, the CPR Acquis Expert Group shall identify the relevant technical aspects needed to prepare standardisation requests, including the essential characteristics relevant to the products. These essential characteristics together with the list of predetermined environmental characteristics set out in Annex I-A, Point 2, shall constitute the basis for the preparation of the standardisation requests referred to in Article 4(2a) and the implementing acts referred to in Article 4a(1).</u></p> |                 |
| Article 3a(5) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 224i          |                     |            | <p><u>5. The Commission shall ensure that essential characteristics shall</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

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|                |                     |            | <u>be covered by harmonised technical specifications to the extent that the development of such specifications is technically and economically proportionate.</u>                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 3a(5a) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 224j           |                     |            | <u>5a. The CPR Acquis Expert Group shall be consulted on the preparation of inherent product requirements in accordance with Article 5 as well as on the development of other harmonised technical specifications and on whether used products should be covered by or excluded from a standardisation request or any harmonised technical specification. The CPR Acquis Expert Group shall, as a matter of urgency, be consulted on notifications from Member States according to Article 7(4).</u> |                 |

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| Article 3a(6)            |                     |            |                                                                                                                                                   |                 |
| 224k                     |                     |            | <u>6. The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend:</u>                                             |                 |
| Article 3a(6), point (a) |                     |            |                                                                                                                                                   |                 |
| 224l                     |                     |            | <u>(a) the list of predetermined environmental characteristics set out in Annex I-A, Point 2 in order to adapt it to new environmental risks;</u> |                 |
| Article 3a(6), point (b) |                     |            |                                                                                                                                                   |                 |
| 224m                     |                     |            | <u>(b) the table of product families listed in Annex IV to adapt it to technical progress and Member</u>                                          |                 |

|              | Commission Proposal                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                          | Draft Agreement |
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|              |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                  | <u>States regulatory needs.</u>                                                                                                                          |                 |
| Article 4    |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          |                 |
| 225          | Article 4<br>Essential characteristics of products                                                                                                                                                      | Article 4<br>Essential characteristics of products                                                                                                                                                                                                                                                                               | Article 4<br><del>Essential characteristics of products</del><br><u>Construction product performance standards laying down essential characteristics</u> |                 |
| Article 4(1) |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          |                 |
| 226          | 1. The basic requirements for construction works, set out in Annex I Part A Point 1 shall constitute the basis for the preparation of standardisation requests and harmonised technical specifications. | 1. The basic requirements for construction works, set out in Annex I Part A <del>Point 1</del> <u>shall constitute the basis for the identification of essential characteristics of construction products. The essential characteristics of construction products shall be identified by the Commission, taking into account</u> | <i>deleted</i>                                                                                                                                           |                 |

|                                  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><u>the regulatory needs of the Member States and Union safety, environmental, circularity and climate objectives. The essential characteristics identified, together with the essential environmental characteristics listed in Annex I Part B,</u> shall <del>constitute</del><u>form</u> the basis for the preparation of standardisation requests and harmonised technical specifications.</p>                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 4(2), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 227                              | <p>2. The essential characteristics specified in accordance with paragraph 1 or listed in Annex I Part A Point 2 and the methods for their assessment shall be laid down in standards which are rendered mandatory for purposes of application of this Regulation. The essential characteristics of products shall be identified in view of the basic requirements for construction works, taking account of the</p> | <p>2. The essential characteristics <del>specified</del><u>identified</u> in accordance with paragraph 1 or <u>the essential environmental characteristics</u> listed in Annex I Part <del>A Point 2</del><u>B</u> and the methods for their assessment shall be laid down in standards which, <del>for the</del><del>are</del> rendered mandatory for purposes of <u>the</u> application of this Regulation. <del>The essential characteristics of products shall be identified in view of the basic</del></p> | <p>2. The <del>essential characteristics specified in accordance with paragraph 1 or listed in Annex I Part A Point 2 and the methods for their assessment</del><u>methods and the criteria for assessing the performance of a product in relation to its essential characteristics</u> shall be laid down in <del>standards which are rendered mandatory for purposes of application of this Regulation. The essential characteristics of</del></p> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                   | regulatory needs of Member States.                                                                                                                                                                                                                     | <del>requirements for construction works, taking account of the regulatory needs of Member States,</del><br><u>are rendered mandatory by means of delegated acts referred to in Article 6a(9).</u>                                                                                                                                                             | <del>products shall be identified in view of the basic requirements for construction works, taking account</del><br><u>mandatory construction product performance standards . These performance standards shall, where appropriate and without endangering the accuracy, reliability or stability of the results, provide methods less onerous than testing for assessing the performance of the regulatory needs of Member States products in relation to their essential characteristics.</u> |                 |
| Article 4(2), second subparagraph |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 228                               | The Commission may issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods. | <u>For the purposes of the first subparagraph,</u> the Commission <del>may</del> <u>shall</u> issue standardisation requests in accordance with Article 10 of Regulation (EU) 1025/2012 laying down the basic principles and corner stones for the establishment of these essential characteristics and their assessment methods. <u>These standardisation</u> | <u>2a.</u> The Commission <del>may issue standardisation requests</del> <u>shall,</u> in accordance with Article 10 of Regulation (EU) 1025/2012, <u>request one or more European standardisation organisations to draft performance standards</u> laying down <u>essential characteristics and their assessment methods for one or</u>                                                                                                                                                         |                 |

|                               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                               |                     | <i><u>requests may include a request to determine the threshold levels and classes of performance in relation to these essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall determine the requirements to be met for the establishment of the threshold levels, classes of performance and mandatory characteristics in the standardisation request.</u></i> | <i><u>more product families or for one or more product categories within a family. The standardisation request shall set out the basic principles and <u>reference points</u> <del>corner-stones</del> for the establishment of these essential characteristics and their assessment methods. The standardisation request shall be explicit about whether it covers or excludes used products from the scope of the request.</u></i> |                 |
| Article 4(2), subparagraph 2a |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 228a                          |                     | <i><u>The standardisation requests concerning the determination of the threshold levels and classes of performance shall be accompanied by an impact assessment, in accordance with paragraph 13 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u></i>                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |



|                                  | Commission Proposal                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| Article 4(2), subparagraph 2b    |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 228b                             |                                                                                                                                                                                                                                                                                                                   | <p><u>The Commission shall issue standardisation requests to lay down specific requirements as regards essential characteristics for used construction products. These standardisation requests shall be issued in line with the working plan established in accordance with Article 93a.</u></p> |                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 4(2), third subparagraph |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 229                              | <p>The respective standardisation requests may also include a request that the European standardisation organisation determine in the standards referred to in the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation to the essential characteristics and</p> | <p>deleted</p>                                                                                                                                                                                                                                                                                    | <p><u>2b.</u> <del>The respective standardisation requests may also include a request that the European</del> <u>As part of the</u> standardisation <del>organisation</del> <u>determine in the standards</u> <u>request</u> referred to in <del>the first subparagraph the voluntary or mandatory threshold levels and classes of performance in relation</del></p> |                 |

|                              | Commission Proposal                                                                                                                                                                                                                                                                       | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                              | which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment of the threshold levels, classes and mandatory characteristics in the standardisation request. |            | <del>to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers. In that case, the Commission shall lay down the basic principles and corner stones for the establishment</del><br><u>paragraph 2a the Commission may also request that the European standardisation organisation proposes one or more of the</u><br><del>threshold levels, classes and mandatory characteristics in the standardisation request.</del><br><u>following elements:</u> |                 |
| Article 4(2), 2b., point (a) |                                                                                                                                                                                                                                                                                           |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 229a                         |                                                                                                                                                                                                                                                                                           |            | <u>(i) voluntary or mandatory threshold levels in relation to the essential characteristics,</u>                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 4(2), 2b., point (b) |                                                                                                                                                                                                                                                                                           |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                              | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                 | Draft Agreement |
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| 229b                         |                     |            | <u>(ii) classes of performance in relation to the essential characteristics,</u>                                                                                                                |                 |
| Article 4(2), 2b., point (c) |                     |            |                                                                                                                                                                                                 |                 |
| 229c                         |                     |            | <u>(iii) those essential characteristics which always have to be declared by manufacturers,</u>                                                                                                 |                 |
| Article 4(2), 2b., point (d) |                     |            |                                                                                                                                                                                                 |                 |
| 229d                         |                     |            | <u>(iv) technical details necessary for the implementation of the assessment and verification system that is to be applied in accordance with delegated acts adopted under Article 6(1), or</u> |                 |

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| Article 4(2), 2b., point (e)      |                                                                                                                                                                        |            |                                                                                                                                                                                                     |                 |
| 229e                              |                                                                                                                                                                        |            | <u>(v) non-binding elements as referred to in Annex I-D, point 3a.</u>                                                                                                                              |                 |
| Article 4(2), 2b. a               |                                                                                                                                                                        |            |                                                                                                                                                                                                     |                 |
| 229f                              |                                                                                                                                                                        |            | <u>In that case, the standardisation request shall set out the basic principles and reference points for the establishment of the elements requested in accordance with the first subparagraph.</u> |                 |
| Article 4(2), fourth subparagraph |                                                                                                                                                                        |            |                                                                                                                                                                                                     |                 |
| 230                               | The Commission shall verify that the basic principles and corner stones, and the Union law are respected in the standards prior to publishing the reference thereof in | deleted    | <u>2c.</u> The Commission shall <u>assess the compliance of performance standards with the relevant standardisation requests, with this Regulation and with other</u> <del>verify</del>             |                 |

|               | Commission Proposal                                 | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               | the Official Journal in accordance with Article 34. |            | <del>that the basic principles and corner stones, and the</del> Union law, <u>including general principles of law . The Commission may assess the compliance of performance</u> <del>are respected in the</del> standards <del>prior to publishing</del> <u>with other performance standards or harmonised standards,</u> the reference <del>thereof in the Official Journal in accordance with Article 34</del> <u>of which has been published in the Official Journal.</u> |                 |
| Article 4(2d) |                                                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 230a          |                                                     |            | <u>2d. Where a performance standard is in conformity with applicable legal requirements and satisfies the demands to be met in relation to the basic principles and reference points set out in the standardisation request as well as to the essential characteristics to be covered in view of the basic requirements for construction works, the Commission shall without delay publish a reference</u>                                                                   |                 |

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|  |                     |            | <p><u>of that standard in the Official Journal of the European Union. One year after such publication the respective performance standard shall become mandatory to apply for the purposes of this Regulation unless a later application date has been specified as part of the publication of the reference in the Official Journal. A performance standard may however be voluntarily applied as from the date of its publication.</u></p> <p><u>Where a reference to a performance standard cannot be published in the Official Journal, the Commission may publish such a reference with restrictions. Where a reference to a performance standard cannot be published in the Official Journal and cannot be published as a reference with restrictions, the Commission shall bring the issue to the attention of the CPR Acquis Expert Group.</u></p> |                 |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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| Article 4(2f) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 230b          |                     |            | <p><u>2f. When a Member State or the Commission, the latter on the advice of the CPR Acquis Expert Group established under article 3a, considers that a performance standard does not entirely conform with applicable legal requirements or satisfy the demands to be met in relation to the essential characteristics to be covered in view of the basic requirements for construction works, the procedure for formal objections to harmonised standards as set out in Article 11 of Regulation (EU) No 1025/2012 shall apply.</u></p> |                 |
| Article 4(2g) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 230c          |                     |            | <p><u>2g. The Commission is empowered to amend Annex I-D by means of delegated acts in</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|              | Commission Proposal                                                                                                                                                                          | EP Mandate                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                       | Draft Agreement |
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|              |                                                                                                                                                                                              |                                                                                                                                                                                                         | <u>accordance with Article 87 in order to adapt it to technical progress and new information needs.</u>                                                                                                                               |                 |
| Article 4a   |                                                                                                                                                                                              |                                                                                                                                                                                                         |                                                                                                                                                                                                                                       |                 |
| 230d         |                                                                                                                                                                                              |                                                                                                                                                                                                         | <u>Article 4a</u><br><u>Other harmonised technical specifications laying down essential characteristics</u>                                                                                                                           |                 |
| Article 4(3) |                                                                                                                                                                                              |                                                                                                                                                                                                         |                                                                                                                                                                                                                                       |                 |
| 231          | 3. By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European | 3. <del>By way of derogation from paragraph 2 and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European</del> | <del>3.1.</del> By way of derogation from <del>paragraph 2</del> <u>Article 4</u> and in order to cover the regulatory needs of Member States and to pursue the goals of Article 114 of the Treaty on the Functioning of the European |                 |



|  | Commission Proposal                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|  | <p>Union, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods in any of the following cases:</p> | <p><del>Union, the Commission is empowered to supplement this Regulation by means of delegated acts</del> <u>While priority shall be given to the elaboration of standards, the Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods where no harmonised standard covering the relevant essential characteristics has been delivered pursuant to a request made</u> in accordance with <del>Article 87, by establishing, for particular product families and categories, voluntary or mandatory essential characteristics and their assessment methods in the first subparagraph of paragraph 2 of this Article and no such standard is expected to be delivered within a reasonable time and, in addition,</del> any of the following <del>eases</del> <u>conditions is fulfilled:</u></p> | <p>Union, the Commission is empowered to <u>adopt implementing acts laying down essential characteristics, their assessment methods and technical details pursuant to</u> <del>supplement this Regulation by means of delegated acts in accordance with Article 87, by establishing, for particular</del> <u>4(2b)(iv) for one or more</u> product families <del>and categories, voluntary or mandatory essential characteristics and their assessment methods in any of the following cases</del> <u>or for one or more product categories within a family, where the following conditions are fulfilled :</u></p> |                 |

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| Article 4(3), point (-a)   |                     |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                   |                 |
| 231a                       |                     | <u>(-a) the Commission has requested one or more European standardisation organisations to draft a harmonised standard for the requirements and the request has not been accepted by any of the European standardisation organisations;</u> |                                                                                                                                                                                                                                                                                                   |                 |
| Article 4a(-1), point (b1) |                     |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                   |                 |
| 231b                       |                     |                                                                                                                                                                                                                                             | <u>(b1) the Commission has requested, pursuant to Article 4(2a), one or more European standardisation organisations to draft a construction product performance standard for the essential characteristics or assessment methods in relation to that specific product family or category, and</u> |                 |

|                                                     | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                 | Draft Agreement |
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| Article 4a(-1), first subparagraph, point (-a)(i)   |                     |            |                                                                                                                                                                                                 |                 |
| 231c                                                |                     |            | <u>(i) the request has not been accepted; or</u>                                                                                                                                                |                 |
| Article 4a(-1), first subparagraph, point (-a)(ii)  |                     |            |                                                                                                                                                                                                 |                 |
| 231d                                                |                     |            | <u>(ii) the construction product performance standard addressing that request is not delivered within the deadline set in accordance with Article 10(1) of Regulation (EU) No 1025/2012; or</u> |                 |
| Article 4a(-1), first subparagraph, point (-a)(iii) |                     |            |                                                                                                                                                                                                 |                 |
| 231e                                                |                     |            | <u>(iii) the construction product performance standard does not comply with the request; and</u>                                                                                                |                 |

|                            | Commission Proposal               | EP Mandate                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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| Article 4a(-1), point (b2) |                                   |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 231f                       |                                   |                                            | <p><u>(b2) no reference to a construction product performance standard covering the essential characteristics or assessment methods in relation to that specific product family or category of construction products is published in the Official Journal of the European Union in accordance with article 4(2d), or a referenced standard has either been subject to a formal objection in accordance with Article 4(2f), leaving that standard to have been maintained with restrictions, or been referenced for more than 8 years.</u></p> |                 |
| Article 4(3), point (a)    |                                   |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 232                        | (a) there are undue delays in the | (a) there are undue <u>and unjustified</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |

|                                | Commission Proposal                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                                | adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the time-frame set out in the standardisation request; | delays in the adoption of certain standards referred to in the first subparagraph of Article 4(2) by the European standardisation organisations, whilst an undue delay is given where the European standardisation organisation does not submit a standard within the <del>time frame</del> <u>time frame</u> set out in <u>the request but not longer than 2 years after having received</u> the standardisation request; | <i>deleted</i>  |                 |
| <i>Article 4(3), point (b)</i> |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 233                            | (b) there is an urgency for the adoption of more harmonised technical specifications that cannot be matched with standards referred to in the first subparagraph of Article 4(2) alone;                                                                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                             | <i>deleted</i>  |                 |
| <i>Article 4(3), point (c)</i> |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 234                            |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement |
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|                         | (c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A, Point 1 or included in Annex I Part A, Point 2 are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal; | (c) one or more essential characteristics referring to basic work requirements set out in Annex I Part A, <del>Point 1</del> or included in Annex I Part <del>A, Point 2</del> <u>B</u> are not covered by the standards referred to in the first subparagraph of Article 4(2) the references of which are already published in the Official Journal <u>and the European standardisation organisations refused to revise or amend the relevant standard in due time</u> ; | <i>deleted</i>  |                 |
| Article 4(3), point (d) |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| 235                     | (d) the standards referred to in the first subparagraph of Article 4(2) are for other reasons considered not sufficient to cover regulatory needs of Member States or the needs of economic operators;                                                                                                                 | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>deleted</i>  |                 |
| Article 4(3), point (e) |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |

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| 236                     | (e) the standards referred to in the first subparagraph of Article 4(2) are not in line with EU climate and environmental legislation and ambition;                                            | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                     | <i>deleted</i>  |                 |
| Article 4(3), point (f) |                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 237                     | (f) references to standards referred to in the first subparagraph of Article 4(2) cannot be published in the Official Journal for the reasons set out in Article 34(4) or other legal reasons; | (f) <del>references to standards referred to in the first subparagraph of Article 4(2)</del> <u>there is a need to adapt a standard or part of it which has been adopted by a European standardisation organisation but which</u> cannot be published in the Official Journal <del>for the reasons set out in Article 34(4) or other legal reasons</del> <u>in accordance with Article 6a(8)</u> ; | <i>deleted</i>  |                 |
| Article 4(3), point (g) |                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |

|                                     | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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| 238                                 | (g) references to standards referred to in the first subparagraph of Article 4(2) have been withdrawn from the Official Journal or were published with a restriction. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                               | <i>deleted</i>  |                 |
| Article 4(3), point (ga)            |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| 238a                                |                                                                                                                                                                       | <u>(ga) there is a need to revise or amend the standard referred to in the first subparagraph of Article 4(2) in order to cover the regulatory needs of Member States, or to align with the Union safety, environmental, circularity and climate objectives, and the European standardisation organisations refused or were unable to revise or amend the relevant standard in due time;</u> |                 |                 |
| Article 4a(-1), second subparagraph |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                              |                 |                 |



|      | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| 238b |                     |            | <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2). Before preparing a draft implementing act, the Commission shall inform the committee referred to in Article 22 of Regulation EU (No) 1025/2012 that it considers that the conditions in the first subparagraph are fulfilled.</u></p> <p><u>In cases where an implementing act covers the same essential characteristics or assessment methods in relation to a specific product family or category as a construction product performance standard the reference to which has been published for more than 10 years, the Commission shall withdraw from the Official Journal references to that performance standard or, in case the implementing act only partially covers the performance standard, retain that performance standard with restrictions.</u></p> |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|  |                     |            | <p><u>When a Member State considers that an implementing act adopted in accordance with this paragraph does not entirely satisfy the demands to be met in relation to the essential characteristics to be covered in view of the basic requirements for construction works, it shall inform the Commission thereof by submitting a detailed explanation. The Commission shall assess that detailed explanation and, if appropriate, amend the implementing act in question.</u></p> <p><u>When a reference to a construction product performance standard is published in accordance with article 4(2d), the Commission shall repeal implementing acts adopted in accordance with this paragraph, or parts thereof, which cover the same essential characteristics or assessment methods in relation to the same product families or categories.</u></p> |                 |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|               |                     |                                                                                                                                                                                                                                            |                 |                 |
| Article 4(4a) |                     |                                                                                                                                                                                                                                            |                 |                 |
| 238c          |                     | <p><u>3a. 4a. Before preparing a delegated act, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers the conditions set out in paragraph 3 and 4 to be fulfilled.</u></p> |                 |                 |
| Article 4(4b) |                     |                                                                                                                                                                                                                                            |                 |                 |
| 238d          |                     | <p><u>4b. When preparing the delegated act, the Commission shall consult the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012.</u></p>  |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                       | Draft Agreement |
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|               |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                       |                 |
| Article 4(4c) |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                       |                 |
| 238e          |                                                                                                                                                                                                                                                  | <u>4c. Where a harmonised standard is adopted by a European standardisation organisation and is rendered mandatory by means of a delegated act referred to in Article 6a(9), the Commission shall repeal the delegated acts referred to in paragraphs 3 or 4 of this Article, or those parts thereof that cover the same requirements.</u> |                                                                                                                                                                                                                                                                       |                 |
| Article 4(4)  |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                       |                 |
| 239           | 4. In order to cover the regulatory needs of Member States and to pursue the environmental, safety and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, the Commission is empowered to supplement this | <u>While priority shall be given to the elaboration of standards, the Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation</u> in order to cover the <u>urgent</u> regulatory needs of Member States                                                                                | <del>42. In order to cover the regulatory needs of Member States and to pursue the environmental, safety and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, the Commission is</del> <u>cases where the Commission has</u> |                 |

|                         | Commission Proposal                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                         | Regulation, by means of delegated acts in accordance with Article 87, by determining, for particular product families and categories, the following:                               | and to pursue the environmental, safety <u>objectives</u> and harmonisation goals of Article 114 of the Treaty on the Functioning of the European Union, <del>the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining, for particular.</del> <u>In such case, the Commission may determine the following for specific</u> product families and categories, <del>the following:</del> | <u>supplemented the standardisation request with a request for a proposal in accordance with article 4(2b), it shall be</u> empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining, for <del>particular</del> <u>the</u> product families <del>and or</del> <u>product</u> categories <u>and for the elements covered by that request</u> , the following: |                 |
| Article 4(4), point (a) |                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 240                     | (a) threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers; | (a) threshold levels and classes of performance in relation to the essential characteristics and which of the essential characteristics may or shall be declared by manufacturers;                                                                                                                                                                                                                                                                               | <del>(a)(i) threshold levels and classes of performance</del> <u>voluntary or mandatory threshold levels</u> in relation to the essential characteristics <del>and which of the essential characteristics may or shall be declared by manufacturers;</del>                                                                                                                                                            |                 |

|                                     | Commission Proposal                                                                                                                                                            | EP Mandate                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                              | Draft Agreement |
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| Article 4(4), point (b)             |                                                                                                                                                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                              |                 |
| 241                                 | (b) conditions under which a product shall be deemed to satisfy a certain threshold level or to qualify for a class of performance without testing or without further testing. | (b) conditions under which a product shall be deemed to satisfy a certain threshold level or to qualify for a class of performance without testing or without further testing. | <del>(b)(ii) conditions under which a product shall be deemed to satisfy a certain threshold level or to qualify for a class of performance without testing or without further testing.</del> <u>classes of performance in relation to the essential characteristics, or</u> |                 |
| Article 4a, 2., point (ia)          |                                                                                                                                                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                              |                 |
| 241a                                |                                                                                                                                                                                |                                                                                                                                                                                | <u>(iii) those essential characteristics which always have to be declared by manufacturers.</u>                                                                                                                                                                              |                 |
| Article 4a, 2., second subparagraph |                                                                                                                                                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                              |                 |
| 241b                                |                                                                                                                                                                                |                                                                                                                                                                                | <u>The Commission may, after</u>                                                                                                                                                                                                                                             |                 |

|                | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                |                     |            | <p><u>consultations with the CPR Acquis Expert Group, deviate from the proposals of the European standardisation organisation.</u></p> <p><u>Delegated acts referred to in the first subparagraph may, irrespective of any prior standardisation request but on the advice of the CPR Acquis Expert Group, also be adopted to determine the elements set out in points (i) and (ii) in relation to any of the groupings of essential characteristics of a horisontal nature listed in Annex VI.</u></p> |                 |
| Article 4a(4a) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 241c           |                     |            | <p><u>3. In cases where, on the basis of the nature or technical characteristics of a product, it is apparent that testing would be unnecessary or redundant, the Commission shall be empowered</u></p>                                                                                                                                                                                                                                                                                                 |                 |

|              | Commission Proposal                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|              |                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>to supplement this Regulation, by means of delegated acts in accordance with Article 87, by laying down conditions under which a product shall be deemed to satisfy a certain level, threshold level or to qualify for a class of performance without testing or without further testing.</u> |                 |
| Article 4(5) |                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                  |                 |
| 242          | 5. The Commission is empowered to amend Annex I Part A by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and to cover new risks and environmental aspects. | 5. The Commission is empowered to <del>amend</del> <u>adopt delegated acts in accordance with Article 87 amending</u> Annex I, Part A <del>by means of delegated acts in accordance with Article 87 in order</del> <u>in order to comply with the standardisation priorities established pursuant to Article 93a(2),</u> to adapt it to <u>reflect</u> technical progress and to cover new risks and environmental aspects. | 5. The Commission is empowered to amend Annex <del>I Part A</del> <u>VI</u> by means of delegated acts in accordance with Article 87 in order to adapt it to <del>technical progress and to cover new risks and environmental aspects</del> <u>Member States regulatory needs</u> .              |                 |



|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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| Article 4a    |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 242a          |                     | <p><u>Article 4a</u></p> <p><u>Product information requirements</u></p>                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| Article 4a(1) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 242b          |                     | <p><u>1. All construction products covered by this Regulation shall, prior to their placing on the market, satisfy the product information requirements set out in Annex I Part C3.</u></p> <p><u>The product information requirements set out in Annex I Part C3 may be specified for the respective product family or category by means of delegated acts adopted by the Commission in accordance with Article 87 or by means of standards following a</u></p> |                 |                 |

|              | Commission Proposal               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                   | Draft Agreement |
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|              |                                   | <p><u>standardisation request made by the Commission pursuant to Article 4(2).</u></p> <p><u>The product information requirements laid down in Annex I Part C3 shall be provided for all construction products on the product packaging or attached in accordance with Article 21(5). For the construction products covered by harmonised technical specification information requirements shall be available via the digital product passport.</u></p> |                                                   |                 |
| Article 5    |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |                 |
| 243          | Article 5<br>Product requirements | Article 5<br>Product requirements                                                                                                                                                                                                                                                                                                                                                                                                                       | Article 5<br><u>Inherent</u> product requirements |                 |
| Article 5(1) |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| 244                               | <p>1. All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable product requirements set out in Annex I Part D and the product requirements laid down in Annex I Part B and C as specified for the respective product family or category in accordance with paragraph 2. The product requirements laid down in Annex I Part B and C are only applicable where they have been specified in accordance with paragraph 2.</p> | <p>1. <del>All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable product requirements set out in Annex I Part D and the product requirements laid down in Annex I Part B and C as specified</del><u>The Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation by specifying</u> for the respective product family or category <del>in accordance with paragraph 2. The</del> product requirements laid down in Annex I Part <del>B and C are only applicable where they have been specified in accordance with</del> <u>paragraph 2 C1 and C2</u>.</p> | <p>1. <del>All products covered by this Regulation shall, prior to their placing on the market or direct installation, satisfy the generic, directly applicable</del> <u>Where a product family or one or more categories of products within a product requirements set out in Annex I Part D and the family is either covered by a construction product requirements laid down in Annex I Part B and C as specified for the respective product family or category performance standard published in accordance with article 4(2d) or an implementing act adopted</u> in accordance with paragraph 2. <del>The product requirements laid down in Annex I Part B and C are only applicable where they have been specified in accordance with paragraph</del> <u>2. article 4a(1), the Commission shall be</u></p> |                 |
| Article 5(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 244a         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u><i>1a. Prior to their placing on the market, construction products covered by this Regulation shall satisfy the product requirements specified in such delegated acts.</i></u>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 5(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 245          | 2. In order to specify the product requirements set out in Annex I Part B, C and D, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these product requirements and by laying down the corresponding assessment methods. Once the Commission has specified these product requirements by delegated acts, it may issue standardisation requests which aim at the elaboration of voluntary harmonised standards providing | 2. <del>In order to specify</del> <u>When specifying</u> the product requirements set out in Annex I <del>Part B, C and D, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying</del> <u>Parts C1 and C2 in accordance with paragraph 1 of this Article, the Commission may define</u> , for particular product families and categories, <u>which of these product requirements shall apply to that product family or category and lay</u> <del>and by laying down</del> the corresponding assessment methods. Once the | <del>2. In order to specify the product requirements set out in Annex I Part B, C and D, the Commission is</del> empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by <del>specifying, for particular product families and categories, these</del> <u>establishing inherent</u> product requirements <del>and by laying down the corresponding assessment methods. Once the Commission has specified these</del> <u>in accordance with Annex I-BC for that particular</u> product <del>requirements by delegated acts, it may issue standardisation requests which aim at the</del> |                 |

|              | Commission Proposal                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                       | Draft Agreement |
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|              | presumption of conformity with these mandatory product requirements as specified by these delegated acts.                                                                                                                           | Commission has specified <del>these</del> <u>those</u> product requirements by delegated acts, it <del>may</del> <u>shall</u> issue standardisation requests which aim at the elaboration of <del>voluntary</del> harmonised standards providing presumption of conformity with these mandatory product requirements. <u>In the event there is no harmonised standard, the Commission shall establish clear guidelines for manufacturers on how to demonstrate conformity with product requirements as specified by these delegated acts.</u> | <del>elaboration of voluntary harmonised standards providing presumption of conformity with these mandatory product requirements as specified by these delegated acts.</del> <u>family or category, or for parts thereof.</u>                                         |                 |
| Article 5(3) |                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                       |                 |
| 246          | 3. The Commission is empowered to amend Annex I Part B, C and D by means of delegated acts in accordance with Article 87 in order to adapt it to technical progress and in particular to cover new risks and environmental aspects. | 3. The Commission is empowered to <del>amend</del> <u>adopt delegated acts in accordance with Article 87 amending</u> Annex I Part B, C and D <del>by means of delegated acts in accordance with Article 87 in order</del> <u>in order to comply with the standardisation priorities established pursuant to Article 93a(2),</u> to adapt it to technical                                                                                                                                                                                     | 3. The Commission is empowered to amend Annex <del>I Part B, C and D</del> <u>I-BC</u> by means of delegated acts in accordance with Article 87 in order to adapt it to <del>technical progress and in particular to cover</del> new risks and environmental aspects. |                 |

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|               |                     | progress and <i>in particular</i> to cover new risks and environmental aspects. |                                                                                                                                                                                                                                                                                                                     |                 |
| Article 5a    |                     |                                                                                 |                                                                                                                                                                                                                                                                                                                     |                 |
| 246a          |                     |                                                                                 | <u>Article 5a</u><br><u>Voluntary standards and common specification</u>                                                                                                                                                                                                                                            |                 |
| Article 5a(1) |                     |                                                                                 |                                                                                                                                                                                                                                                                                                                     |                 |
| 246b          |                     |                                                                                 | <u>1. The Commission may in accordance with Article 10(1) of Regulation (EU) No 1025/2012, request one or more European standardisation organisations to draft voluntary harmonised standards for the mandatory inherent product requirements established in accordance with Article 5(1). A product subject to</u> |                 |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|               |                     |            | <u>those product requirements which is in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the inherent product requirements covered by those standards or parts thereof.</u>           |                 |
| Article 5a(2) |                     |            |                                                                                                                                                                                                                                                                                                                                   |                 |
| 246c          |                     |            | <u>2. The Commission may adopt implementing acts establishing common specifications that provide an alternative means to comply with the inherent product requirements established in accordance with Article 5(1).</u><br><br><u>Those implementing acts shall only be adopted where the following conditions are fulfilled:</u> |                 |

|                              | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                | Draft Agreement |
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|                              |                     |            |                                                                                                                                                                                                |                 |
| Article 5a(2), point (a)     |                     |            |                                                                                                                                                                                                |                 |
| 246d                         |                     |            | <u>(a) the Commission has requested, pursuant to paragraph 1, one or more European standardisation organisations to draft a harmonised standard for the inherent product requirements and:</u> |                 |
| Article 5a(2), point (a)(i)  |                     |            |                                                                                                                                                                                                |                 |
| 246e                         |                     |            | <u>(i) the request has not been accepted; or</u>                                                                                                                                               |                 |
| Article 5a(2), point (a)(ii) |                     |            |                                                                                                                                                                                                |                 |
| 246f                         |                     |            | <u>(ii) the harmonised standards</u>                                                                                                                                                           |                 |



|                                              | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                              |                     |            | <u>addressing that request are not delivered within the deadline set in accordance with Article 10(1) of Regulation (EU) No 1025/2012; or</u>                                                                                                                                             |                 |
| Article 5a(2), point (a)(iii)                |                     |            |                                                                                                                                                                                                                                                                                           |                 |
| 246g                                         |                     |            | <u>(iii) the harmonised standards do not comply with the request; and</u>                                                                                                                                                                                                                 |                 |
| Article 5a(2), point (b), first subparagraph |                     |            |                                                                                                                                                                                                                                                                                           |                 |
| 246h                                         |                     |            | <u>(b) no reference to harmonised standards covering the inherent product requirements has been published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 and no such reference is expected to be published within a reasonable period.</u> |                 |

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| Article 5a(2), point (b), second subparagraph |                     |            |                                                                                                                                                                                                                                                                 |                 |
| 246i                                          |                     |            | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).</u>                                                                                                                                      |                 |
| Article 5a(3)                                 |                     |            |                                                                                                                                                                                                                                                                 |                 |
| 246j                                          |                     |            | <u>3. Before preparing the draft implementing act referred to in paragraph 2, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers that the conditions in paragraph 2 have been fulfilled.</u> |                 |
| Article 5a(4)                                 |                     |            |                                                                                                                                                                                                                                                                 |                 |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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| 246k          |                     |            | <u>4. When preparing the draft implementing act referred to in paragraph 2, the Commission shall take into account the views of the CPR acquis expert group and shall duly consult all relevant stakeholders.</u>                                                                                                                          |                 |
| Article 5a(5) |                     |            |                                                                                                                                                                                                                                                                                                                                            |                 |
| 246l          |                     |            | <u>5. A product which is in conformity with the common specifications established by implementing acts referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the inherent product requirements established in accordance with Article 5(1) covered by those common specifications or parts thereof.</u> |                 |
| Article 5a(6) |                     |            |                                                                                                                                                                                                                                                                                                                                            |                 |

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| 246m          |                     |            | <p><u>6. Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the purpose of publishing its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standard in accordance with Regulation (EU) No 1025/2012. When reference of a harmonised standard is published in the Official Journal of the European Union, the Commission shall repeal the implementing acts referred to in paragraph 2, or parts thereof which cover the same inherent product requirements as those covered by that harmonised standard.</u></p> |                 |
| Article 5a(7) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 246n          |                     |            | <p><u>7. When a Member State</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|               | Commission Proposal                                                                    | EP Mandate                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|               |                                                                                        |                                                                                                   | <u>considers that a common specification does not entirely satisfy the inherent product requirements established in accordance with Article 5(1), it shall inform the Commission thereof by submitting a detailed explanation. The Commission shall assess that detailed explanation and, if appropriate, amend the implementing act establishing the common specification in question.</u> |                 |
| Article 6     |                                                                                        |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 247           | Article 6<br>Assessment and verification systems and their product specific modalities | Article 6<br>Assessment and verification systems <del>and their product specific modalities</del> | Article 6<br>Assessment and verification systems <del>and their product specific modalities</del>                                                                                                                                                                                                                                                                                           |                 |
| Article 6(-1) |                                                                                        |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 247a          |                                                                                        |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                             |                 |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                  | Draft Agreement |
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|               |                     | <p><u>-1. Assessment and verification systems shall be determined together with harmonised technical specifications depending on the intended use and on the basis of clear, comprehensible and transparent criteria. The potential damage resulting from product deficiencies, the change in performance in the event of slightly deviating production conditions, the susceptibility to errors in the manufacturing process and the question of how easily manufacturing errors can be recognised shall be taken into account.</u></p> |                                                                                                                                                                                                                                  |                 |
| Article 6(-1) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                  |                 |
| 247b          |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><u>0. Assessment and verification of a product's constancy of performance in relation to its essential characteristics as set out in harmonised technical specifications adopted in accordance with Articles 4 and 4a</u></p> |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>or European assessment documents referred to in Article 7a, or of its conformity with product requirements adopted in accordance with Article 5, shall be carried out in accordance with one or more of the systems set out in Annex V.</u>                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 6(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 248          | 1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category the applicable assessment and verification system among those set out in Annex V. It may also determine different assessment and verification systems to the same product family or category when differentiating by | 1. In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment, the Commission is empowered to supplement this Regulation by means of delegated acts in accordance with Article 87, by determining for each product family or category <u>which of</u> the applicable assessment and verification <del>system</del> <u>systems</u> among those set out in Annex V <u>are to be used</u> . It may also determine different assessment and verification systems to the same | 1. <del>In order to apply a tailor-made approach and to minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment,</del> The Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by determining for each product family or category the applicable assessment and verification system among those set out in Annex V. It may also determine different assessment and verification systems to the same product family or category when differentiating by |                 |

|              | Commission Proposal                                                                           | EP Mandate                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|              | essential characteristic or product requirement.                                              | product family or category when differentiating by essential characteristic or product requirement. | essential characteristic or product requirement.<br><br><u><i>Delegated acts adopted in accordance with the first subparagraph shall take into account a product's sensitivity to performance variations under different production conditions, the susceptibility to errors during its manufacturing and the possibility of easily detecting manufacturing errors. They shall apply a tailor-made approach for the respective product families or categories and minimise the potential burden on manufacturers whilst ensuring a high level of protection of health, safety and the environment.</i></u> |                 |
| Article 6(2) |                                                                                               |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 249          | 2. In order to facilitate and to harmonise the application of the requirements or obligations | 2. In order to facilitate and to harmonise the application of the requirements or obligations       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |



|                     | Commission Proposal                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                     | contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these requirements and obligations for a given product family or category                                                                                                          | contained in Annex V, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying these <u>assessment and verification</u> requirements and obligations for a given product family or category. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| <i>Article 6(3)</i> |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 250                 | 3. In order to counter systematic non-compliances of notified bodies or manufacturers or in view of adaptation to technical progress, the Commission is empowered to amend this Regulation, by means of delegated acts in accordance with Article 87, by introducing additional assessment or verification steps in the systems of Annex V. | <i>deleted</i>                                                                                                                                                                                                                                                         | 3. In order to counter systematic non-compliances of notified bodies or manufacturers, <u>to enable the assessment and verification of used products</u> , or in view of adaptation to technical progress, the Commission is empowered to <del>amend this Regulation, by means of</del> <u>adopt</u> delegated acts in accordance with Article 87, <del>by introducing in order to amend Annex V to</del> <u>introduce</u> additional assessment <del>or verification steps in the and</del> <u>verification systems</u> . <u>Such systems may only be introduced when it is evident that guidance</u> |                 |

|            | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                     | Draft Agreement |
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|            |                     |                                                                                                                                                                                                                                                                                                                                                                                                               | <u>on the application of existing systems <del>of Annex I</del> has proved insufficient. Additional systems may not set out more demanding obligations for economic operators than prescribed for in System I+.</u> |                 |
| Article 6a |                     |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                     |                 |
| 250a       |                     | <u>Article 6a</u><br><br><u>Construction products standards</u><br><br><u>1. Construction products standards shall be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission.</u><br><br><u>2. The Commission shall adopt implementing acts</u><br><br><u>laying down a clear and stable set of rules for the whole standardisation</u> |                                                                                                                                                                                                                     |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate | Draft Agreement |
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|  |                     | <p><u>process including roles, responsibilities, competences and the general procedural</u></p> <p><u>deadlines for all stakeholders involved as well as templates to be used.</u></p> <p><u>Those implementing acts shall be adopted no later</u></p> <p><u>than [1 year after entry into force of this Regulation].</u></p> <p><u>Those implementing acts shall be adopted in</u></p> <p><u>accordance with the advisory procedure referred to in Article 88(1).</u></p> <p><u>3. At the request of a European standardisation</u></p> <p><u>organisation, the Commission may provide an administrative support in setting</u></p> <p><u>up an internal legal division within the European standardisation organisation</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|  |                     | <p><u>tasked with the legal proofreading of standards and ensuring the coherence and legal flawlessness of standards.</u></p> <p><u>4. Construction products standards laid down in the implementing acts referred to in Article 4(2) shall be of mandatory application for the purposes of this Regulation from 12 months after the publication of the delegated acts adopted pursuant to paragraph 9 of this</u></p> <p><u>Article. They may be voluntarily applied on request of the manufacturer from the date of that publication. They shall provide the methods and the criteria</u></p> <p><u>for assessing the performance of the products in relation to their essential</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|  |                     | <p><u>characteristics. Those standards shall, where appropriate and without</u></p> <p><u>endangering the accuracy, reliability or stability of the results, provide</u></p> <p><u>methods that are less onerous than testing for assessing the performance of the</u></p> <p><u>products in relation to their essential characteristics, classes, threshold</u></p> <p><u>levels or product requirements.</u></p> <p><u>5. Construction products standards developed</u></p> <p><u>pursuant to the second sentence of Article 5(2) or the third sentence of</u></p> <p><u>Article 22(4) shall be voluntary. Products which are in conformity with</u></p> <p><u>voluntary standards adopted in accordance with Article 5(2), or parts thereof.</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate | Draft Agreement |
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|  |                     | <p><u>the references of which have been published in the Official Journal of the</u></p> <p><u>European Union shall be presumed to be in conformity with the requirements laid</u></p> <p><u>down in Annex I Parts C1 and C2, as specified for the respective product family</u></p> <p><u>or category by harmonised technical specifications adopted in accordance with</u></p> <p><u>the second sentence of Article 5(2), to the extent that those requirements are</u></p> <p><u>covered by such voluntary standards and that such coverage has been precisely</u></p> <p><u>stated in the respective harmonised standard.</u></p> <p><u>Manufacturers who comply with</u></p> <p><u>voluntary standards adopted in accordance with Article 22(2), or parts thereof,</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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|  |                     | <p><u>the references of which have been published in the Official Journal of the</u></p> <p><u>European Union, shall be presumed to be in conformity with the obligations set</u></p> <p><u>out in Article 22(2), to the extent that those obligations are covered by such</u></p> <p><u>standards and that such coverage has been precisely stated in the respective</u></p> <p><u>standard.</u></p> <p><u>6. The Commission shall, without fail, assess the</u></p> <p><u>conformity of construction products standards established by the European</u></p> <p><u>standardisation organisations with the relevant standardisation requests, with</u></p> <p><u>this Regulation and with other Union acts.</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|  |                     | <p><u>The Commission shall carry out the assessment</u></p> <p><u>referred to in the first subparagraph of this paragraph within 6 months after</u></p> <p><u>the standard has been transmitted to it. In order for the Commission to fulfil</u></p> <p><u>this obligation within that timeframe, the European standardisation</u></p> <p><u>organisations shall regularly inform the Commission of the progress and content</u></p> <p><u>of the standardisation deliverable in accordance with Article 10(5) of</u></p> <p><u>Regulation (EU) No 1025/2012.</u></p> <p><u>7. The Commission shall, where possible,</u></p> <p><u>participate in the informal and formal inquiries of European standardisation</u></p> |                 |                 |



|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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|  |                     | <p><u>organisations developing the requested European standardisation deliverables,</u></p> <p><u>in particular on matters concerning the conformity of the standardisation</u></p> <p><u>deliverables with this Regulation and with other Union acts.</u></p> <p><u>8. Where the Commission perceives a standard or</u></p> <p><u>its part to be unsatisfactory and consequently decides to not have recourse to</u></p> <p><u>it in a delegated act adopted pursuant to paragraph 9 of this Article, it shall</u></p> <p><u>present its reasons in writing, laying out which corrections are necessary, to</u></p> <p><u>the European standardisation organisation within 6 months after the draft for a</u></p> <p><u>standard has been transmitted. In such a case, the Commission may</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|  |                     | <p><u>mandate the</u></p> <p><u>European standardisation organisation to correct the standard or in accordance</u></p> <p><u>with article 4(3) letter f the Commission is empowered to supplement this</u></p> <p><u>Regulation by delegated acts by modifying the respective standards or its part.</u></p> <p><u>9. Where it considers that a standard delivered</u></p> <p><u>pursuant to a request made in accordance with the first subparagraph of Article</u></p> <p><u>4(2) fully meets the requirements of such standardisation request, the</u></p> <p><u>Commission shall adopt a delegated act in accordance with Article 87 to</u></p> <p><u>supplement this Regulation by having recourse to that standard.</u></p> <p><u>10. The Commission shall, within</u></p> |                 |                 |

|              | Commission Proposal                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                       | Draft Agreement |
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|              |                                                       | <u>90 days</u><br><u>following a positive assessment,</u><br><u>publish or publish with</u><br><u>restrictions in the</u><br><u>Official Journal of the European</u><br><u>Union the list of references of</u><br><u>accepted</u><br><u>voluntary conforming</u><br><u>construction products standards</u><br><u>that have been made</u><br><u>available at an affordable price.</u> |                                                       |                 |
| Article 7    |                                                       |                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |                 |
| 251          | Article 7<br>Harmonised zone and national<br>measures | Article 7<br>Harmonised zone and national<br>measures                                                                                                                                                                                                                                                                                                                                | Article 7<br>Harmonised zone and national<br>measures |                 |
| Article 7(1) |                                                       |                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |                 |

|                                              | Commission Proposal                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| 252                                          | 1. The harmonised zone shall be presumed to be comprehensive, covering all potential requirements for products other than those covered by other Union law. | 1. The harmonised zone shall be presumed to be comprehensive, covering all <del>potential requirements for products other than those covered by other Union law</del> <u>existing and future legal requirements for construction products</u> . | 1. <u>This Regulation, and</u> the harmonised <del>zone shall be presumed to be comprehensive, covering all potential requirements for</del> <u>technical specifications adopted in accordance with it, jointly establish a harmonised zone. The harmonised zone covers all products other than those covered by other Union law</u> <u>subject to harmonised technical specifications as referred to in Article 4(2d) and 4a(1).</u><br><br><u>Harmonised technical specifications shall be presumed to be comprehensive, in</u> |                 |
| Article 7(-1), first subparagraph, point (a) |                                                                                                                                                             |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 252a                                         |                                                                                                                                                             |                                                                                                                                                                                                                                                 | <u>(a) laying down all essential characteristics and their assesment methods.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |

|                                              | Commission Proposal | EP Mandate | Council Mandate                                                                                          | Draft Agreement |
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|                                              |                     |            |                                                                                                          |                 |
| Article 7(-1), first subparagraph, point (b) |                     |            |                                                                                                          |                 |
| 252b                                         |                     |            | <u>(b) specifying all inherent product requirements other than those covered by other Union law, and</u> |                 |
| Article 7(-1), first subparagraph, point (c) |                     |            |                                                                                                          |                 |
| 252c                                         |                     |            | <u>(c) determining the applicable assessment and verification systems.</u>                               |                 |
| Article 7(-1), second subparagraph           |                     |            |                                                                                                          |                 |
| 252d                                         |                     |            | <u>Used products, which were previously placed on the Union market, are only covered by a</u>            |                 |

|                | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                |                     |            | <u>harmonised technical specification where explicitly provided for in that specification.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 7(-1a) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 252e           |                     |            | <p><u>2. Member States shall respect the harmonised zone in their national laws, regulations or administrative measures and shall not prohibit or impede the making available of products covered by it when they are in compliance with this Regulation. Member States shall not lay down essential characteristics and their assessment methods or inherent product requirements other than those set out in the harmonised technical specifications.</u></p> <p><u>The harmonised zone does not affect the right of Member States to specify national requirements for the use of products that are subject to harmonised technical</u></p> |                 |

|                                  | Commission Proposal                                                                                     | EP Mandate                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                  |                                                                                                         |                                                                                                         | <p><u>specifications. Any assessment methods and systems for assessment and verification of such national requirements shall be in accordance with applicable harmonised technical specifications.</u></p> <p><u>Member States shall ensure that the making available on the market of products within the harmonised zone which are in compliance with this Regulation shall not be impeded by rules or conditions imposed by public bodies or private bodies acting as a public undertaking, or acting as a public body on the basis of a monopoly position or under a public mandate.</u></p> |                 |
| Article 7(2), first subparagraph |                                                                                                         |                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 253                              | 2. Member States shall respect the harmonised zone in their national law, other rules or administrative | 2. Member States shall respect the harmonised zone in their national law, other rules or administrative | <del>22a. Member States shall respect the harmonised zone in their national law, other rules or</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|                                             | Commission Proposal                                                                                                            | EP Mandate                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|                                             | action and shall not set additional requirements for products covered by it. They shall in particular apply the following:     | action and shall not set additional requirements for products covered by it. They shall in particular apply the following:     | <del>administrative action and shall not set additional requirements for</del><br><u>When complying with the obligations provided for in paragraph 2, Member states shall in particular apply the following in relation to</u> products covered by <del>it. They shall in particular apply the following</del> <u>the harmonised zone</u> : |                 |
| Article 7(2), first subparagraph, point (a) |                                                                                                                                |                                                                                                                                |                                                                                                                                                                                                                                                                                                                                             |                 |
| 254                                         | (a) no information, registration or other requirements other than those laid down in the harmonised zone shall be established; | (a) no information, registration or other requirements other than those laid down in the harmonised zone shall be established; | (a) no <u>requirements for</u> information <del>or</del> registration <del>or</del> <del>other requirements</del> <u>of the product</u> other than those laid down in the harmonised zone shall be established;                                                                                                                             |                 |
| Article 7(2), first subparagraph, point (b) |                                                                                                                                |                                                                                                                                |                                                                                                                                                                                                                                                                                                                                             |                 |
| 255                                         | (b) no assessments other than those set out in the harmonised                                                                  | (b) no assessments other than those set out in the harmonised                                                                  | (b) no assessments <u>of the product</u> other than those set out in the                                                                                                                                                                                                                                                                    |                 |



|                                             | Commission Proposal                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                           | Council Mandate                          | Draft Agreement |
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|                                             | zone shall be made mandatory;                                                                                                                                                                                                                                                        | zone shall be made mandatory;                                                                                                                                                                                                                                                        | harmonised zone shall be made mandatory; |                 |
| Article 7(2), first subparagraph, point (c) |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                      |                                          |                 |
| 256                                         | (c) unless otherwise specified in accordance with Article 5(3), national law, other rules or administrative action shall not duplicate or go beyond product requirements specified in accordance with Article 5 or the threshold levels established in accordance with Article 4(4); | (c) unless otherwise specified in accordance with Article 5(3), national law, other rules or administrative action shall not duplicate or go beyond product requirements specified in accordance with Article 5 or the threshold levels established in accordance with Article 4(4); | <i>deleted</i>                           |                 |
| Article 7(2), first subparagraph, point (d) |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                      |                                          |                 |
| 257                                         | (d) national law, other rules or administrative action shall not require more assessments and verifications than those set out in Annex V and shall not extend the scope of the assessments and                                                                                      | (d) national law, other rules or administrative action shall not require more assessments and verifications than those set out in Annex V and shall not extend the scope of the assessments and                                                                                      | <i>deleted</i>                           |                 |

|                                                     | Commission Proposal                                                                                                                                                                              | EP Mandate                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                                     | verifications of Annex V;                                                                                                                                                                        | verifications of Annex V;                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                           |                 |
| <i>Article 7(2), first subparagraph, point (d1)</i> |                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                           |                 |
| 257a                                                |                                                                                                                                                                                                  |                                                                                                                                                                                                  | <u>(d1) no markings attesting conformity with requirements or declared performances in relation to essential characteristics covered by the harmonised zone shall be required other than the CE marking, and any existing provisions requiring such markings in national measures shall be withdrawn;</u> |                 |
| <i>Article 7(2), first subparagraph, point (e)</i>  |                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                           |                 |
| 258                                                 | (e) national law, other rules or administrative action shall replicate and not request more or less than what has been required by threshold levels established in accordance with Article 4(4); | (e) national law, other rules or administrative action shall replicate and not request more or less than what has been required by threshold levels established in accordance with Article 4(4); | (e) national <del>law, other rules</del> <u>laws, regulations</u> or administrative <del>action</del> <u>measures</u> shall <del>replicate and not request more or less than what has been required by</del> <u>respect</u> <del>the</del> threshold levels established in                                |                 |

|                                             | Commission Proposal                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                             |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               | accordance with Article <del>4(4)</del> <u>4a</u> ;                                                                                                                                                                                                                                                                              |                 |
| Article 7(2), first subparagraph, point (f) |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                  |                 |
| 259                                         | (f) national law, other rules or administrative action shall not be based on classes, sub-classes or additional classes other than those established in accordance with Article 4(4);                                                                                                                         | (f) national law, other rules or administrative action shall not be based on classes, sub-classes or additional classes other than those established in accordance with Article 4(4);                                                                                                                         | (f) national <del>law, other rules</del> <u>laws, regulations</u> or administrative <del>action</del> <u>measures</u> shall not be based on classes, sub-classes or additional classes other than those established in accordance with Article <del>4(4)</del> <u>4a</u> ;                                                       |                 |
| Article 7(2), first subparagraph, point (g) |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                  |                 |
| 260                                         | (g) where assessment methods have been established in accordance with Article 4(2) or in Article 5(2), national law, other rules or administrative action shall, both for construction works and in relation to the characteristics of or requirements for products, not refer to other assessment methods or | (g) where assessment methods have been established in accordance with Article 4(2) or in Article 5(2), national law, other rules or administrative action shall, both for construction works and in relation to the characteristics of or requirements for products, not refer to other assessment methods or | (g) <del>where assessment methods have been established in accordance with Article 4(2) or in Article 5(2), national law, other rules</del> <u>laws, regulations</u> or administrative <del>action</del> <u>measures</u> shall, <del>both for construction works and in relation to the characteristics of or requirements</del> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                   | Council Mandate                                                                                                                                                                                                                                             | Draft Agreement |
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|                                   | modify or complement these assessment methods or select just a part thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | modify or complement these assessment methods or select just a part thereof. | <del>for products, not refer to other assessment methods or modify or complement these assessment methods or select just a part thereof</del> <u>not require more assessments and verifications than those established in accordance with Article 6(1).</u> |                 |
| Article 7(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                              |                                                                                                                                                                                                                                                             |                 |
| 261                               | This paragraph shall also apply to public tenders or direct attributions of contracts where those public tenders or direct attributions are executed under direct or indirect control of public entities or are executed with reference to public provisions on public tenders or direct attribution of contracts. This paragraph shall also apply to grants or other positive incentives with the exception of fiscal incentives. However, harmonised technical specifications may permit or recommend Member States to link the decisions on the attribution of public tenders, of contracts or of | <i>deleted</i>                                                               | <i>deleted</i>                                                                                                                                                                                                                                              |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|              | grants or other positive incentives to sub-classes or additional classes other than those established in accordance with Article 4(4) where these still relate to environmental performances assessed in accordance with these harmonised technical specifications.                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| Article 7(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| 262          | 3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. They shall refer to these essential characteristics, requirements and assessment methods proactively in all fora and on all occasions relevant for the elaboration of harmonised technical specifications. Fora elaborating harmonised technical specifications shall take note of these essential | 3. Member States shall communicate to the other Member States and to the Commission the essential characteristics they require for each product family or category, the respective product requirements and the assessment methods they apply. <del>They shall refer to these essential characteristics, requirements and assessment methods proactively in all fora and on all occasions relevant for the elaboration of harmonised technical specifications. Fora elaborating harmonised technical specifications shall take note of</del> | <i>deleted</i>  |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|              | characteristics, requirements and assessment methods. The essential characteristics shall be covered by harmonised technical specifications to the extent possible.                                                                                                                                                                          | <del>these essential characteristics, requirements and assessment methods. The essential characteristics shall be covered by harmonised technical specifications to the extent possible</del><br><u>In order to facilitate this communication, Member States shall register in the Single Digital Gateway all their national regulatory and administrative measures directly or indirectly influencing the usability of construction products on their territory.</u> |                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 7(4) |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                      |                 |
| 263          | 4. Where a Member State deems it necessary, on imperative grounds of health, safety or protection of the environment, including climate, to establish requirements by regulation or to take administrative measures in derogation of paragraph 2, it shall notify the Commission thereof, justifying the need for the procedural obligations | 4. Where a Member State deems it necessary, <u>including in urgency situations</u> , on imperative grounds of health, safety or <u>the protection of persons as well as the</u> protection of the environment, including climate, to establish requirements by regulation, or to take administrative measures in derogation of paragraph 2, it shall                                                                                                                  | 4. Where a Member State deems it necessary, <del>on imperative grounds of health, safety or protection of the environment, including climate, to establish requirements by regulation or to take administrative measures in derogation of paragraph 2</del> <u>to take measures applicable to products within the harmonised zone in relation to</u> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|  | <p>established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.</p> | <p>notify the Commission thereof, justifying the need for the procedural obligations established and explain the regulatory need it aims to address and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535, where applicable.</p> | <p><u>characteristics not laid down in harmonised technical specifications in order to address immediate regulatory needs that cannot be addressed expeditiously through the ordinary process for developing harmonised technical specifications</u>, it shall notify the Commission thereof, justifying the need for the <del>procedural</del> obligations established and explain the regulatory need it aims to address <del>and provide evidence both for the existence of the regulatory need and the lack of coverage by the harmonised zone and other Union law. Member States. Member States shall to that end use the notification procedure under Directive (EU) 2015/1535 while making reference to this paragraph and specifying which elements are part of the measure.</del></p> <p><u>The Commission</u> shall <u>reply to the notification within the time limits established in</u> <del>to that end use the notification</del> procedure <u>set up</u> under Directive (EU) 2015/1535. <u>The Commission shall within six months of the notification either</u></p> |                 |

|                                  | Commission Proposal                                                                    | EP Mandate                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                  |                                                                                        |                                                                                                                                        | <p><u>put forward a proposal for authorisation in accordance with paragraph 5 or communicate its grounds for rejecting the national measure.</u></p> <p><u>Upon receipt of a notification in the first paragraph, the Commission shall, irrespective of whether the measure may be authorised or not, without delay submit the matter to the CPR Acquis Expert Group established in accordance with Article 3a for consultations on whether updates to existing construction product performance standards need to be requested as a priority, where applicable.</u></p> |                 |
| Article 7(5), first subparagraph |                                                                                        |                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 264                              | 5. The Commission shall, by means of implementing acts, authorise the national measure | 5. The Commission shall, <del>by means of implementing acts,</del> <u>authorise adopt delegated acts in accordance with Article 87</u> | 5. The Commission shall, by means of implementing acts, authorise the national measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |



|                                             | Commission Proposal                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                             | notified under paragraph 4 where:                                                                                                                                                                        | <u>supplementing this Regulation to, by authorising</u> the national measure notified under paragraph 4 <u>of this Article</u> where:                                                                                         | notified under paragraph 4 where:                                                                                                                                                                                                                                             |                 |
| Article 7(5), first subparagraph, point (a) |                                                                                                                                                                                                          |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                               |                 |
| 265                                         | (a) it ascertains that the regulation or administrative measure appears duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4; | (a) it ascertains that the regulation or administrative measure <del>appears</del> <u>is</u> duly justified in the light of imperative grounds of health, safety or protection of the environment referred to in paragraph 4; | (a) <del>it ascertains that the regulation or administrative-</del> <u>the notified</u> measure appears duly justified in the light of imperative grounds of health, safety or protection of the environment, <u>including climate</u> <del>referred to in paragraph 4;</del> |                 |
| Article 7(5), first subparagraph, point (b) |                                                                                                                                                                                                          |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                               |                 |
| 266                                         | (b) the regulatory need is not covered by the harmonised zone or by other Union law;                                                                                                                     | (b) the regulatory need is not covered by the harmonised zone or by other Union law;                                                                                                                                          | (b) the regulatory need is not covered by <del>the</del> harmonised <del>zone</del> <u>technical specifications</u> or by other Union law;                                                                                                                                    |                 |

|                                             | Commission Proposal                                                                                                                    | EP Mandate                                                                                                                             | Council Mandate                                                                                                                                                      | Draft Agreement |
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| Article 7(5), first subparagraph, point (c) |                                                                                                                                        |                                                                                                                                        |                                                                                                                                                                      |                 |
| 267                                         | (c) the notified regulation or administrative measure does not discriminate against economic operators of other Member States;         | (c) the notified regulation or administrative measure does not discriminate against economic operators of other Member States;         | (c) the notified <del>regulation or administrative</del> measure does not discriminate against economic operators of other Member States;                            |                 |
| Article 7(5), first subparagraph, point (d) |                                                                                                                                        |                                                                                                                                        |                                                                                                                                                                      |                 |
| 268                                         | (d) the notified regulation or administrative measure is able to cover the respective regulatory need;                                 | (d) the notified regulation or administrative measure is able to cover the respective regulatory need;                                 | (d) the notified <del>regulation or administrative</del> measure is able to cover the respective regulatory need; <u>and</u>                                         |                 |
| Article 7(5), first subparagraph, point (e) |                                                                                                                                        |                                                                                                                                        |                                                                                                                                                                      |                 |
| 269                                         | (e) the notified regulation or administrative measure does not constitute a disproportionally large obstacle to the functioning of the | (e) the notified regulation or administrative measure does not constitute a disproportionally large obstacle to the functioning of the | (e) the notified <del>regulation or administrative</del> measure does not constitute a <del>disproportionally large</del> <u>serious</u> obstacle to the functioning |                 |

|                                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                        | Draft Agreement |
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|                                             | Union market; and                                                                                                                                                                                                                                                                                                                                     | Union market; and                                                                                                                                                                                                                                                                                                                                     | of the Union market; <del>and</del>                                                                                                                                    |                 |
| Article 7(5), first subparagraph, point (f) |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                        |                 |
| 270                                         | (f) the Commission does not indicate by a letter of intent addressed to the Member States its intention to publish or cite, within one year as from the date of notification in accordance with paragraph 4, in the Official Journal the harmonised technical specification or to adopt an act of general applicability covering the respective need. | (f) the Commission does not indicate by a letter of intent addressed to the Member States its intention to publish or cite, within one year as from the date of notification in accordance with paragraph 4, in the Official Journal the harmonised technical specification or to adopt an act of general applicability covering the respective need. | <i>deleted</i>                                                                                                                                                         |                 |
| Article 7(5), second subparagraph           |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                        |                 |
| 271                                         | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                                                                                                                                                                   | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                        | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2) <u>and be withdrawn when the regulatory need is</u> |                 |

|                                  | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate     | Council Mandate                                                                                                                                                                                                                                              | Draft Agreement |
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|                                  |                                                                                                                                                                                                                                                              |                | <u><a href="#">covered by harmonised technical specifications or by other Union law.</a></u>                                                                                                                                                                 |                 |
| Article 7(5), third subparagraph |                                                                                                                                                                                                                                                              |                |                                                                                                                                                                                                                                                              |                 |
| 272                              | On duly justified imperative grounds of urgency relating to human health and safety or the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 88(3). | <i>deleted</i> | On duly justified imperative grounds of urgency relating to human health and safety or the protection of the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 88(3). |                 |
| Article 7(6)                     |                                                                                                                                                                                                                                                              |                |                                                                                                                                                                                                                                                              |                 |
| 273                              | 6. Member States shall register all their national regulation, and administrative measures directly or indirectly influencing the usability of products on their territory, into                                                                             | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                               |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                         | the Single Digital Gateway.                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 7(7)            |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 274                     | 7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with: | 7. This Regulation does not hinder Member States to introduce mandatory deposit-refund systems, to oblige manufacturers to take back used or not used <u>non-custom-made</u> products directly or via their importers and distributors and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with: | 7. This Regulation does not <u>affect the possibilities for</u> <del>hinder</del> Member States to introduce mandatory deposit-refund systems; <u>or</u> to oblige manufacturers to <del>take back used or not used products</del> <u>accept to regain</u> , directly or via their importers and distributors <del>and to establish obligations regarding the collection and the treatment of products for waste, provided that all of the following is complied with:</del> <u>ownership of new, surplus or unsold products that are in a state equivalent to the one in which they were placed on the market</u> |                 |
| Article 7(7), point (a) |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 275                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|                         | Commission Proposal                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                           | Draft Agreement |
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|                         | (a) the owner of the product, whilst having a choice amongst the manufacturer, the importer or the distributor as addressee, is in charge of the transport back to the distributor, importer or manufacturer;                          | (a) the owner of the product, whilst having a choice amongst the manufacturer, the importer or the distributor as addressee, is in charge of the transport back to the distributor, importer or manufacturer;                               | <i>deleted</i>                                                                                                                                                                                                                                            |                 |
| Article 7(7), point (b) |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                           |                 |
| 276                     | (b) economic operators in other Member States are not otherwise directly or indirectly discriminated.                                                                                                                                  | (b) economic operators in other Member States are not otherwise directly or indirectly discriminated.                                                                                                                                       | <i>deleted</i>                                                                                                                                                                                                                                            |                 |
| Article 7(8)            |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                           |                 |
| 277                     | 8. Member States may ban the destruction of products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making available on a national brokering | 8. Member States may ban the destruction of <u>surplus and unsold products and</u> products taken back in accordance with Article 22(2), point (j) and Article 26 or make the destruction of these products dependent on their prior making | 8. <del>Member States may ban the destruction of products taken back in accordance with Article 22(2), point (j) and Article 26 or</del> <u>This Regulation does not affect the possibilities for Member States to ban the destruction of products or</u> |                 |

|               | Commission Proposal                          | EP Mandate                                                                     | Council Mandate                                                                                                                                                                                                                                                          | Draft Agreement |
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|               | platform for non-commercial use of products. | available on a national brokering platform for non-commercial use of products. | <u>to</u> make the destruction of these products dependent on their prior making available on a national brokering platform for non-commercial use of products.                                                                                                          |                 |
| Article 7a    |                                              |                                                                                |                                                                                                                                                                                                                                                                          |                 |
| 277a          |                                              |                                                                                | <u>Article 7a</u><br><br><u>European assessment documents</u>                                                                                                                                                                                                            |                 |
| Article 7a(1) |                                              |                                                                                |                                                                                                                                                                                                                                                                          |                 |
| 277b          |                                              |                                                                                | <u>1. When a product is not covered by Construction Product Performance Standards as referred to in Article 4 or implementing acts referred to in Article 4a(1), the methods and criteria for assessing the performance of that product in relation to its essential</u> |                 |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               |                     |            | <p><u>characteristics can be laid down in European assessment documents. This provision also applies to used products.</u></p> <p><u>European assessment documents constitute the basis for European technical assessments as set out in Article 42.</u></p>                                                                                                                                                                                                 |                 |
| Article 7a(2) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 277c          |                     |            | <p><u>2. The organisation of TABs may, in agreement with the Commission, following a request for a European technical assessment by a manufacturer, a group of manufacturers or a manufacturers' association or on the initiative of the Commission, draw up and adopt a European assessment document. The basic requirements for construction works, set out in Annex I-A Point 1, and the list of predetermined environmental characteristics, set</u></p> |                 |



|                          | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                   | Draft Agreement |
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|                          |                     |            | <u>out in Annex I-A Point 2, shall constitute the basis for the preparation of European assessment documents. The development and adoption of a European assessment document shall follow the principles and procedure set out in Article 36.</u> |                 |
| Article 7a(3)            |                     |            |                                                                                                                                                                                                                                                   |                 |
| 277d                     |                     |            | <u>3. A product shall not be considered as covered by harmonised technical specifications as referred to in paragraph 1 when:</u>                                                                                                                 |                 |
| Article 7a(3), point (a) |                     |            |                                                                                                                                                                                                                                                   |                 |
| 277e                     |                     |            | <u>(i) the declared use of the product falls outside of the scope of the intended use set out in the harmonised technical</u>                                                                                                                     |                 |

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|                          |                     |            | <u>specification,</u>                                                                                                                  |                 |
| Article 7a(3), point (b) |                     |            |                                                                                                                                        |                 |
| 277f                     |                     |            | <u>(ii) the materials used are not identical to the materials intended to be used under the harmonised technical specification, or</u> |                 |
| Article 7a(3), point (c) |                     |            |                                                                                                                                        |                 |
| 277g                     |                     |            | <u>(iii) the assessment method of the harmonised technical specification is not appropriate for that product.</u>                      |                 |
| Article 7a(4)            |                     |            |                                                                                                                                        |                 |
| 277h                     |                     |            |                                                                                                                                        |                 |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               |                     |            | <p><u>4. European assessment documents shall not be drawn up in relation to an essential characteristic or assessment method of a product when there is another European assessment document covering the same essential characteristic or assessment method in relation to that specific product, the reference of which has either already been published in the Official Journal of the European Union or has been submitted to the Commission for assessment in accordance with Article 38(1).</u></p> <p><u>The organisation of TABs and the Commission may merge or reject requests for the development of a European assessment document in accordance with the provisions of Annex III, Point 5.</u></p> |                 |
| Article 7a(5) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 277i          |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                            | Commission Proposal                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                      | Draft Agreement |
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|                            |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                        | <u>5. The organisation of TABs shall withdraw a European assessment document for a specific product when a harmonised technical specification covering the same product and the same intended use has entered into force.</u>        |                 |
| Article 8                  |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                      |                 |
| 278                        | Article 8<br>Relationship with other Union law                                                                                                                                                                        | Article 8<br>Relationship with other Union law                                                                                                                                                                                         | Article 8<br>Relationship with other Union law                                                                                                                                                                                       |                 |
| Article 8, first paragraph |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                      |                 |
| 279                        | To avoid double assessment of products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 by determining the conditions under which the fulfilment of | To avoid double assessment of <u>the same aspects of</u> products <u>which are related to health, safety or protection of the environment</u> , the Commission is empowered to supplement this Regulation by delegated acts adopted in | To avoid double assessment of <u>the same aspects of health, safety or protection of the environment of</u> products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                             | <p>obligations under other Union law also fulfils certain obligations under this Regulation, where otherwise the same aspect of health, safety or protection of the environment would be assessed in parallel under this Regulation and other Union law.</p> | <p>accordance with Article 87 by determining the conditions under which the fulfilment of obligations under other Union law also fulfils certain obligations under this Regulation, <del>where otherwise the same aspect of health, safety or protection of the environment would be assessed in parallel under this Regulation and other Union law.</del></p> | <p>87 by determining the conditions under which <u>obligations relating to the assessment of a product's performance or</u> the fulfilment of <del>obligations under other Union law also fulfils certain obligations</del> <u>certain product requirements, including the equivalence of assessment and verification systems required,</u> under this Regulation, <del>where otherwise the same aspect of health, safety or protection would be satisfied by the fulfilment of obligations under one or more</del> of the <del>environment would be assessed in parallel under this Regulation and other Union law</del> <u>legal acts listed in Annex Va .</u></p> <p><u>The conditions referred to in the first subparagraph shall not allow for product safety levels which are less strict than those established in accordance with this Regulation.</u></p> |                 |
| Article 8, second paragraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|            | Commission Proposal                                   | EP Mandate                                                                                                                                                                                                                                                                              | Council Mandate                                       | Draft Agreement |
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| 279a       |                                                       | <u><i>Where conflicts arise between this Regulation and Regulation (EU) 2019/1020, Regulation (EU) 1025/2012, Regulation 765/2008/EC, Directive 2001/95/EC, Directive (EU) 2019/1937, and [XXX] (Ecodesign for Sustainable Products Regulation), this Regulation shall prevail.</i></u> |                                                       |                 |
| CHAPTER II |                                                       |                                                                                                                                                                                                                                                                                         |                                                       |                 |
| 280        | CHAPTER II<br>PROCEDURE, DECLARATIONS<br>AND MARKINGS | CHAPTER II<br>PROCEDURE, DECLARATIONS<br>AND MARKINGS                                                                                                                                                                                                                                   | CHAPTER II<br>PROCEDURE, DECLARATIONS<br>AND MARKINGS |                 |
| Article 9  |                                                       |                                                                                                                                                                                                                                                                                         |                                                       |                 |
| 281        |                                                       |                                                                                                                                                                                                                                                                                         |                                                       |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|              | Article 9<br><br>Declaration of performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Article 9<br><br>Declaration of performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Article 9<br><br>Declaration of performance <u>and conformity</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 9(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 282          | 1. Where a product is covered by a harmonised technical specification adopted in accordance with Article 4(2) or (3), the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment. | 1. Where a <u>construction</u> product is covered by a harmonised technical specification adopted in accordance with Article 4(2), <u>(3) or (4) or (3)</u> , the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance before such a product is placed on the market. A manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance in accordance with the relevant European assessment document and European technical assessment. | 1. Where a product is covered by a harmonised technical specification adopted in accordance with <del>Article 4(2) or (3)</del> <u>Articles 4 or 4a</u> , the manufacturer shall undergo the applicable assessment and verification system set out in Annex V and draw up a declaration of performance <u>and conformity</u> before such a product is placed on the market. <u>Where a product is covered by a harmonised technical specification adopted in accordance with Article 5, the manufacturer shall also verify the product's compliance with applicable product requirements that have been specified by delegated acts.</u> |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                    | Draft Agreement |
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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <del>A</del> manufacturer of a product which is not covered by any harmonised technical specification may issue a declaration of performance <u>and conformity</u> in accordance with the relevant European assessment document and European technical assessment. |                 |
| Article 9(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                    |                 |
| 283          | 2. Where a product is covered by a harmonised technical specification, information about its performance in relation to the essential characteristics laid down in the applicable harmonised technical specification may be provided elsewhere than in the declaration of performance only if in parallel provided in the declaration of performance. This obligation shall not apply to situations where, in accordance with Article 10, no declaration of performance has been drawn up. | 2. Where a product is covered by a harmonised technical specification, information about its performance in relation to the essential characteristics laid down in the applicable harmonised technical specification may be provided elsewhere than in the declaration of performance only if in parallel provided in the declaration of performance. This obligation shall not apply to situations where, in accordance with Article 10, no declaration of performance has been drawn up. | <i>deleted</i>                                                                                                                                                                                                                                                     |                 |



|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Article 9(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 284          | <p>3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability, and this even where it did not act negligently. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.</p> | <p>3. By drawing up the declaration of performance, the manufacturer assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with Union and national laws on contractual and extra-contractual liability, <del>and this even where it did not act negligently</del>. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.</p> | <p>3. By drawing up the declaration of performance <u>and conformity</u>, the manufacturer assumes responsibility for the conformity of the product with <del>such</del> <u>its</u> declared performance and <del>becomes liable in accordance with Union and national laws on contractual and extra-contractual liability, and this even where it did not act negligently</del> <u>any applicable product requirements</u>. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance <u>and conformity</u> drawn up by the manufacturer to be accurate and reliable.</p> <p><u>In case of non-compliance or absence of a declaration of performance and conformity when such a declaration is</u></p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|               |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             | <u>mandated, the product may not be made available on the market.</u>                                                                                                                                                                                                                                                           |                 |
| Article 10    |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                 |                 |
| 285           | Article 10<br>Exemptions from drawing up a declaration of performance                                                                                                                                                                       | Article 10<br>Exemptions from drawing up a declaration of performance                                                                                                                                                                       | Article 10<br>Exemptions from drawing up a declaration of performance <u>and conformity</u>                                                                                                                                                                                                                                     |                 |
| Article 10(1) |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                 |                 |
| 286           | 1. By way of derogation from Article 9(1), a manufacturer may refrain from drawing up a declaration of performance when placing a product covered by a harmonised technical specification on the market where any of the following applies: | 1. By way of derogation from Article 9(1), a manufacturer may refrain from drawing up a declaration of performance when placing a product covered by a harmonised technical specification on the market where any of the following applies: | 1. By way of derogation from Article 9(1), a manufacturer may refrain from <del>drawing up a declaration of performance when placing a</del> <u>undergoing the applicable assessment and verification of the product's compliance with applicable</u> product <del>covered by a harmonised technical specification on the</del> |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <del>market where</del> <u>requirements and the drawing up of a declaration of performance and conformity when</u> any of the following applies:                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 10(1), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 287                      | (a) the product is, otherwise than by 3D-printing or already existing moulds, individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; | (a) the product is, <del>otherwise than by 3D-printing or already existing moulds</del> , individually manufactured or custom-made in a non-series process in response to a specific order, <del>and installed in a single identified construction work</del> , by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; | (a) the product is, <del>otherwise than by 3D-printing or already existing moulds</del> , individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is also responsible for the safe incorporation of the product into the construction work in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; <u>or</u> |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                           | Draft Agreement |
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| Article 10(1), point (b) |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                           |                 |
| 288                      | (b) the product is otherwise than by 3D-printing or already existing moulds manufactured on the construction site, in a non-series process for its incorporation in the respective construction work in compliance with the applicable national rules and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules; or | <i>deleted</i>                                                                                                                                                                                                                            | <i>deleted</i>                                                                                                                                                                                                                            |                 |
| Article 10(1), point (c) |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                           |                 |
| 289                      | (c) the product is manufactured in a manner exclusively appropriate to heritage conservation and in a non-series process for adequately renovating construction works officially protected as part of a designated environment or because                                                                                                                                                                | (c) the product is manufactured in a manner exclusively appropriate to heritage conservation and in a non-series process for adequately renovating construction works officially protected as part of a designated environment or because | (c) the product is manufactured in a manner exclusively appropriate to heritage conservation and in a non-series process for adequately renovating construction works officially protected as part of a designated environment or because |                 |

|               | Commission Proposal                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                   | Council Mandate                                                                                            | Draft Agreement |
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|               | of their special architectural or historic merit.                                                                                                                                                                                            | of their special architectural or historic merit.                                                                                                                                                                                            | of their special architectural or historic merit, <u>in compliance with the applicable national rules.</u> |                 |
| Article 10(2) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                                                                                            |                 |
| 290           | 2. A Member State may exempt from Article 9(1) remanufactured products based on products which remain safe after remanufacturing provided that it ensures that the product does not to circulate outside the territory of that Member State. | 2. A Member State may exempt from Article 9(1) remanufactured products based on products which remain safe after remanufacturing provided that it ensures that the product does not to circulate outside the territory of that Member State. | <i>deleted</i>                                                                                             |                 |
| Article 10(3) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                                                                                            |                 |
| 291           | 3. A Member State may exempt from Article 9(1) parts of construction works other than products that are prepared for re-use or remanufactured provided that the part does not to circulate                                                   | <i>deleted</i>                                                                                                                                                                                                                               | <i>deleted</i>                                                                                             |                 |

|                          | Commission Proposal                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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|                          | outside the territory of that Member State.                                                                                                                                                              |                                                                                                                                                                                                          |                 |                 |
| Article 10(4)            |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                 |                 |
| 292                      | 4. A Member State may exempt from Article 9(1) products where all of the following applies:                                                                                                              | 4. A Member State may exempt from Article 9(1) products where all of the following applies:                                                                                                              | <i>deleted</i>  |                 |
| Article 10(4), point (a) |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                 |                 |
| 293                      | (a) the manufacturer is a micro-enterprise without belonging to a family of companies or other commercial organisation, including networks, able to determine or organise the manufacturer's activities; | (a) the manufacturer is a micro-enterprise without belonging to a family of companies or other commercial organisation, including networks, able to determine or organise the manufacturer's activities; | <i>deleted</i>  |                 |
| Article 10(4), point (b) |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                 |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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| 294                             | (b) the manufacturer uses exclusively or in essence components or materials with commonly known stable characteristics or products which have been voluntarily subject to this Regulation and, in all instances, the characteristics of the product depend in essence on the characteristics of these components or materials; | (b) the manufacturer uses exclusively or in essence components or materials with commonly known stable characteristics or products which have been voluntarily subject to this Regulation and, in all instances, the characteristics of the product depend in essence on the characteristics of these components or materials; | <i>deleted</i>  |                 |
| <i>Article 10(4), point (c)</i> |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                |                 |                 |
| 295                             | (c) the product does not to circulate outside the territory of that Member State.                                                                                                                                                                                                                                              | (c) the product does not to circulate outside the territory of that Member State.                                                                                                                                                                                                                                              | <i>deleted</i>  |                 |
| <i>Article 11</i>               |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                |                 |                 |
| 296                             |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | Article 11<br><br>Content of the declaration of performance                                                                                                                                                                                     | Article 11<br><br>Content of the declaration of performance                                                                                                                                                                                     | Article 11<br><br>Content of the declaration of performance <u>and conformity</u>                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 11(1) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 297           | 1. The declaration of performance shall express the performance of products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications or European assessment document. | 1. The declaration of performance shall express the performance of products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications or European assessment document. | 1. The declaration of performance <u>and conformity</u> shall express the performance of products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications or European assessment document.<br><br><u>Where product requirements specified in accordance with Article 5 are applicable, the declaration of performance and conformity shall state that the fulfilment of those requirements has been demonstrated.</u> |                 |



|                | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| Article 11(2)  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 298            | 2. The declaration of performance shall be drawn up using the model set out in Annex II without the section relating to conformity. The declaration of performance shall at least cover the performance with regard to the mandatory essential characteristics listed in Annex I Part A Point 2, the essential characteristics mandatory by virtue of harmonised technical specifications or delegated acts adopted in accordance with Article 4(3), and the assessment of environmental sustainability referred to in Article 22(1). | 2. The declaration of performance shall be drawn up using the model set out in Annex II without <del>the section relating to conformity. The declaration of performance shall at least cover the performance with regard to the mandatory essential characteristics listed in Annex I Part A Point 2, the essential characteristics mandatory by virtue of harmonised technical specifications or delegated acts adopted in accordance with Article 4(3), and the assessment of environmental sustainability referred to in Article 22(1)</del> <u>points 12 and 13c thereof.</u> | 2. The declaration of performance <u>and conformity</u> shall be drawn up using the model set out in Annex II <del>without the section relating to conformity.</del> The declaration of performance <u>and conformity</u> shall at least cover <u>a product's the performance with over its life-cycle in</u> regard to the <u>essential characteristic of climate change effects</u> <del>mandatory essential characteristics</del> listed <u>as mandatory</u> in Annex <del>I Part A Point 2, the I-A Point 2, as well as those</del> essential characteristics <u>rendered</u> mandatory by virtue of <del>harmonised technical specifications or</del> delegated acts adopted in accordance with Article <del>4(3), and the assessment of environmental sustainability referred to in Article 22(1)</del> <u>4a(2).</u> |                 |
| Article 11(2a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 298a           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |

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|                |                     |            | <p><u>2a. The declaration of performance and conformity shall include the product's environmental sustainability performance over its life-cycle in respect of the predetermined environmental characteristics listed in Annex I-A Point 2 for those characteristics that are declared. The performance shall include the packaging used or most likely to be used and be calculated using the latest version of the software made freely available on the website of the European Commission.</u></p> |                 |
| Article 11(2b) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 298b           |                     |            | <p><u>2b. No other marking than the CE marking may be placed on the declaration of performance and conformity.</u></p>                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 11(3)  |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|               | Commission Proposal                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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| 299           | 3. The Commission is empowered to amend the model set out in Annex II by delegated acts adopted in accordance with Article 87 to permit the inclusion of further information in order to allow economic operators to cover new information needs. | 3. The Commission is empowered to amend the model set out in Annex II by delegated acts adopted in accordance with Article 87 to permit the inclusion of further information in order to allow economic operators to cover new information needs.                                                             | 3. The Commission is empowered to amend the model set out in Annex II by delegated acts adopted in accordance with Article 87 to <u>adapt it to technical progress as regards new</u> <del>permit the inclusion of further</del> information <del>in order to allow economic operators to cover new information needs</del> <u>needs, use of harmonised data structures and open exchange formats, and to ensure interoperability with the database or system according to Article 78.</u> |                 |
| Article 11(4) |                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 300           | 4. The information referred to in Article 31 or, as the case may be, in Article 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>1</sup> shall be provided together with the declaration of performance.     | 4. <del>The information</del> <u>Safety data sheets</u> referred to in Article 31 <del>or, as the case may be, in Article 33</del> of Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>1</sup> shall be provided <u>together with the declaration of performance where the</u> | 4. The information <u>included in section 3 of the safety data sheet</u> referred to in Article 31 or, <del>as the case may be,</del> <u>the presence of substances as referred to</u> in Article 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>1</sup>                                                                                                                                                                                            |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|            | <p>1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).</p> | <p><u>construction product is supplied to an industrial or professional user.</u></p> <p><u>The information referred to in Article 33 of Regulation (EC) No 1907/2006 shall be provided to consumers</u> together with the declaration of performance.</p> <p>1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).</p> | <p>shall be provided <u>in or</u> together with the declaration of performance <u>and conformity</u>.</p> <p>1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1.).</p> |                 |
| Article 12 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 301        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                    | Draft Agreement |
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|                                              | <p>Article 12</p> <p>Modified declaration of performance for used, remanufactured and surplus products</p>                                                                                                                                                                                                                                                                                | <p>Article 12</p> <p>Modified declaration of performance for used, remanufactured and surplus products</p>                                                                                                                                                                                                                                                                                | <p><del>Article 12</del></p> <p><i>deleted</i></p> |                 |
| Article 12(1), first subparagraph            |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                 |
| 302                                          | <p>1. Where a declaration of performance, issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, is available for a used product, the new declaration of performance may, in derogation from Article 11(1), refer to the initial declaration of performance in relation to the characteristics declared therein if:</p> | <p>1. Where a declaration of performance, issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, is available for a used product, the new declaration of performance may, in derogation from Article 11(1), refer to the initial declaration of performance in relation to the characteristics declared therein if:</p> | <p><i>deleted</i></p>                              |                 |
| Article 12(1), first subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |                                                    |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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| 303                                                 | (a) the intended use is not changed otherwise than by reduction in terms of performance or intended uses or to merely decorative purposes;                                                                                                                                                                               | (a) the intended use is not changed otherwise than by reduction in terms of performance or intended uses or to merely decorative purposes;                                                                                                                                                                               | <i>deleted</i>  |                 |
| <i>Article 12(1), first subparagraph, point (b)</i> |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 304                                                 | (b) the lifespan of the initial product or the relevant durability performance has been specified in the initial declaration of performance, the harmonised technical specification on which the initial declaration of performance was based, or is generally known on the basis of common civil engineering knowledge; | (b) the lifespan of the initial product or the relevant durability performance has been specified in the initial declaration of performance, the harmonised technical specification on which the initial declaration of performance was based, or is generally known on the basis of common civil engineering knowledge; | <i>deleted</i>  |                 |
| <i>Article 12(1), first subparagraph, point (c)</i> |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                          |                 |                 |

|                                           | Commission Proposal                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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| 305                                       | (c) the time that expired after the first integration of the product into a construction work does not exceed the lifespan of the product or the relevant durability performance, whatever is shorter.        | (c) the time that expired after the first integration of the product into a construction work does not exceed the lifespan of the product or the relevant durability performance, whatever is shorter.        | <i>deleted</i>  |                 |
| <i>Article 12(1), second subparagraph</i> |                                                                                                                                                                                                               |                                                                                                                                                                                                               |                 |                 |
| 306                                       | The economic operator shall attach the initial declaration of performance to the declaration of performance issued by him, whilst the latter shall be labelled “declaration of performance for used product”. | The economic operator shall attach the initial declaration of performance to the declaration of performance issued by him, whilst the latter shall be labelled “declaration of performance for used product”. | <i>deleted</i>  |                 |
| <i>Article 12(2)</i>                      |                                                                                                                                                                                                               |                                                                                                                                                                                                               |                 |                 |
| 307                                       | 2. Where there is no declaration of performance available for a used                                                                                                                                          | 2. Where there is no declaration of performance available for a used                                                                                                                                          |                 |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|                                                     | product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to “decoration”. Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for used product”. | product issued by the initial manufacturer or another economic operator pursuant to this Regulation or Regulation (EU) 305/2011, an economic operator may issue a new declaration of performance without undergoing a full procedure in accordance with this Regulation where it limits the intended use to <del>“decoration”</del> <u>decorative purposes</u> . Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for used product <u>for decorative purposes</u> ". | <i>deleted</i>  |                 |
| <i>Article 12(3), first subparagraph</i>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 308                                                 | 3. Paragraphs 1 and 2 shall not apply where:                                                                                                                                                                                                                                                                                                                                                                                                                                    | 3. Paragraphs 1 and 2 shall not apply where:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <i>deleted</i>  |                 |
| <i>Article 12(3), first subparagraph, point (a)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |



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| 309                                                 | (a) the mechanical and chemical properties of the used product cannot be assumed to be stable enough anymore for the new intended use; | (a) the mechanical and chemical properties of the used product cannot be assumed to be stable enough anymore for the new intended use; | <i>deleted</i>  |                 |
| <i>Article 12(3), first subparagraph, point (b)</i> |                                                                                                                                        |                                                                                                                                        |                 |                 |
| 310                                                 | (b) health and safety of persons would be at risk due to the properties of the product;                                                | (b) health and safety of persons would be at risk due to the properties of the product;                                                | <i>deleted</i>  |                 |
| <i>Article 12(3), first subparagraph, point (c)</i> |                                                                                                                                        |                                                                                                                                        |                 |                 |
| 311                                                 | (c) the product has been subject to stresses that makes it unsuitable for the new intended use; or                                     | (c) the product has been subject to stresses that makes it unsuitable for the new intended use; or                                     | <i>deleted</i>  |                 |

|                                                     | Commission Proposal                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| <i>Article 12(3), first subparagraph, point (d)</i> |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                    |                 |                 |
| 312                                                 | (d) such stress is not very unlikely according to the protocol established by the de-installer in accordance with Article 29 and the documentation on the conditions of a certain building (“building log-book”). | (d) such stress is not very unlikely according to the protocol established by the de-installer in accordance with Article 29 and the documentation on the conditions of a certain building (“building log-book”).                                  | <i>deleted</i>  |                 |
| <i>Article 12(3), second subparagraph</i>           |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                    |                 |                 |
| 313                                                 | Member States shall set-up requirements for de-installers and the certification to be provided in accordance with the last sentence, including on the definition of stresses that render the product unsuitable.  | Member States shall set-up requirements for de-installers and the certification to be provided in accordance with <del>the last sentence</del> <i>this paragraph</i> , including on the definition of stresses that render the product unsuitable. | <i>deleted</i>  |                 |
| <i>Article 12(4)</i>                                |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                    |                 |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate       | Draft Agreement |
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| 314                               | <p>4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process, whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed, does not jeopardise the compliance with this Regulation or the performance of the product in relation to the relevant characteristics because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant. Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for re-manufactured product".</p> | <p>4. Paragraphs 1 to 3 shall also apply to remanufactured products, if the transformative process, <del>whilst going beyond repair, cleaning or regular maintenance or preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC after being de-installed,</del> does not jeopardise the <del>compliance with this Regulation or the</del> performance of the product in relation to the relevant characteristics <del>because, by their design, the transformative process cannot negatively influence the performance and the compliance or because the used replacement part has been assessed as equivalently performing and compliant.</del> Where the economic operator has used this derogation, the declaration of performance shall be labelled "declaration of performance for re-manufactured product".</p> | <p><i>deleted</i></p> |                 |
| Article 12(5), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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| 315                                                 | 5. Paragraphs 1 to 4 shall apply to all of the following:                                                                                                                                                               | 5. Paragraphs 1 to 4 shall <u>also</u> apply to all of the following:                                                                                                                                                   | <i>deleted</i>  |                 |
| <i>Article 12(5), first subparagraph, point (a)</i> |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |                 |                 |
| 316                                                 | (a) products which have reached the user or have left the distribution chain, but were never installed and for which the initial manufacturer no longer assumes any responsibility as new product (“surplus products”); | (a) products which have reached the user or have left the distribution chain, but were never installed and for which the initial manufacturer no longer assumes any responsibility as new product (“surplus products”); | <i>deleted</i>  |                 |
| <i>Article 12(5), first subparagraph, point (b)</i> |                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |                 |                 |
| 317                                                 | (b) for which the initial manufacturer refused to confirm its responsibility within one month after receiving the respective request of the economic operator                                                           | (b) for which the initial manufacturer refused to confirm its responsibility within one month after receiving the respective request of the economic operator                                                           | <i>deleted</i>  |                 |

|                                           | Commission Proposal                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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|                                           | wishing to make available on the market the surplus product.                                                                                                                                                   | wishing to make available on the market the surplus product.                                                                                                                                                   |                 |                 |
| <i>Article 12(5), second subparagraph</i> |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                 |                 |
| 318                                       | Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for surplus product”.                                                       | Where the economic operator has used this derogation, the declaration of performance shall be labelled “declaration of performance for surplus product”.                                                       | <i>deleted</i>  |                 |
| <i>Article 12(6), first subparagraph</i>  |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                 |                 |
| 319                                       | 6. Article 21(3) and Article 22(1) shall only apply to products falling under the derogations of paragraphs 1 to 5 where the economic operator making them available on the market requests their application. | 6. Article 21(3) and Article 22(1) shall only apply to products falling under the derogations of paragraphs 1 to 5 where the economic operator making them available on the market requests their application. | <i>deleted</i>  |                 |

|                                           | Commission Proposal                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| <i>Article 12(6), second subparagraph</i> |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                    |                 |                 |
| 320                                       | Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part D.                                                                                             | Article 21(2) shall not apply to products falling under the derogations of paragraphs 1 to 5. However, the economic operators shall provide the information set out in Annex I Part <del>DC</del> 3.                                                                               | <i>deleted</i>  |                 |
| <i>Article 12(7)</i>                      |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                    |                 |                 |
| 321                                       | 7. Unless the economic operator opts for the application of harmonised technical specifications, the products falling under the derogations of paragraphs 1 to 5 shall be exempted from threshold levels, product requirements and applicable harmonised technical specifications. | 7. Unless the economic operator opts for the application of harmonised technical specifications, the products falling under the derogations of paragraphs 1 to 5 shall be exempted from threshold levels, product requirements and applicable harmonised technical specifications. | <i>deleted</i>  |                 |
| <i>Article 12(8)</i>                      |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                    |                 |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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| 322                  | 8. By issuing the declaration of performance, the economic operator assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with EU and national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance to be accurate and reliable. | 8. By issuing the declaration of performance, the economic operator assumes responsibility for the conformity of the product with such declared performance and becomes liable in accordance with EU and national laws on contractual and extra-contractual liability. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance to be accurate and reliable. | <i>deleted</i>  |                 |
| <i>Article 12(9)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 323                  | 9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market or which have never been installed in the Union.                                                                                                                                                                                                                                           | 9. This article shall not apply to used, remanufactured or surplus products which have never been placed on the Union market <del>or</del> <i>which have never been installed in the Union.</i>                                                                                                                                                                                                                         | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                | EP Mandate                                                                                                                                         | Council Mandate                             | Draft Agreement |
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| <i>Article 13</i>               |                                                                                                                                                    |                                                                                                                                                    |                                             |                 |
| 324                             | Article 13<br>Declaration of conformity                                                                                                            | Article 13<br>Declaration of conformity                                                                                                            | <del>Article 13</del><br><br><i>deleted</i> |                 |
| <i>Article 13(1)</i>            |                                                                                                                                                    |                                                                                                                                                    |                                             |                 |
| 325                             | 1. Before placing a product on the market, the manufacturer who is not exempted from the obligation to produce a declaration of performance shall: | 1. Before placing a product on the market, the manufacturer who is not exempted from the obligation to produce a declaration of performance shall: | <i>deleted</i>                              |                 |
| <i>Article 13(1), point (a)</i> |                                                                                                                                                    |                                                                                                                                                    |                                             |                 |
| 326                             | (a) verify the product's compliance with the product requirements of Annex I Part B and                                                            | (a) verify the product's compliance with the product requirements of Annex I, <u>Parts C1</u>                                                      |                                             |                 |



|                                 | Commission Proposal                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                                 | C to the extent that they have been specified by delegated acts in accordance with Article 5(2), and with the product requirements of Annex I Part D; | <u>and C2</u> <del>Part B and C</del> to the extent that they have been specified by delegated acts in accordance with Article <del>5(2)</del> <u>5(1)</u> , and with the product <u>information</u> requirements of Annex I, <u>Part C3</u> <del>Part D</del> ; | <i>deleted</i>  |                 |
| <i>Article 13(1), point (b)</i> |                                                                                                                                                       |                                                                                                                                                                                                                                                                  |                 |                 |
| 327                             | (b) undergo the respective assessment and verification system set out in Annex V; and                                                                 | (b) undergo the respective assessment and verification system set out in Annex V; and                                                                                                                                                                            | <i>deleted</i>  |                 |
| <i>Article 13(1), point (c)</i> |                                                                                                                                                       |                                                                                                                                                                                                                                                                  |                 |                 |
| 328                             | (c) draw up a declaration of conformity.                                                                                                              | (c) draw up a declaration of conformity.                                                                                                                                                                                                                         | <i>deleted</i>  |                 |
| <i>Article 13(2)</i>            |                                                                                                                                                       |                                                                                                                                                                                                                                                                  |                 |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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| 329                  | 2. The manufacturer may decide to issue a declaration of conformity in accordance with paragraph 1 even where exempted from the obligation to produce a declaration of performance.                                                                                                                                                                                                                                                                                                                                                | 2. The manufacturer may decide to issue a declaration of conformity in accordance with paragraph 1 even where exempted from the obligation to produce a declaration of performance.                                                                                                                                                                                                                                                                                                                                                           | <i>deleted</i>  |                 |
| <i>Article 13(3)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| 330                  | 3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability, and this even where it did not act negligently. In case of non-compliance or absence of a declaration of conformity, the product may not be made available on the market. In the absence of objective indications to the contrary, Member States shall presume the declaration of | 3. By the declaration of conformity, the manufacturer assumes responsibility for the conformity of the product with the product requirements and becomes liable in accordance with national laws on contractual and extra-contractual liability, <del>and this even where it did not act negligently. In case of non-compliance or absence of a declaration of conformity, the product may not be made available on the market.</del> In the absence of objective indications to the contrary, Member States shall presume the declaration of | <i>deleted</i>  |                 |

|                      | Commission Proposal                                                                                                                   | EP Mandate                                                                                                                                                                                                                | Council Mandate                             | Draft Agreement |
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|                      | conformity drawn up by the manufacturer to be accurate and reliable.                                                                  | conformity drawn up by the manufacturer to be accurate and reliable.                                                                                                                                                      |                                             |                 |
| <i>Article 14</i>    |                                                                                                                                       |                                                                                                                                                                                                                           |                                             |                 |
| 331                  | Article 14<br>Content of the declaration of conformity                                                                                | Article 14<br>Content of the declaration of conformity                                                                                                                                                                    | <del>Article 14</del><br><br><i>deleted</i> |                 |
| <i>Article 14(1)</i> |                                                                                                                                       |                                                                                                                                                                                                                           |                                             |                 |
| 332                  | 1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article 5(1) and (2). | 1. The declaration of conformity shall express conformity of a product with product requirements referred to in Article <del>5(1) and (2)</del> <u>5 and product information requirements referred to in Article 4a</u> . | <i>deleted</i>                              |                 |

|                      | Commission Proposal                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                        | Council Mandate | Draft Agreement |
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| <i>Article 14(2)</i> |                                                                                                                                                                                                                   |                                                                                                                                                                                                                   |                 |                 |
| 333                  | 2. The manufacturer shall combine the declaration of conformity with the declaration of performance into a single declaration, to be labelled “Declaration of performance and conformity” as set out in Annex II. | 2. The manufacturer shall combine the declaration of conformity with the declaration of performance into a single declaration, to be labelled “Declaration of performance and conformity” as set out in Annex II. | <i>deleted</i>  |                 |
| <i>Article 14(3)</i> |                                                                                                                                                                                                                   |                                                                                                                                                                                                                   |                 |                 |
| 334                  | 3. Article 11(2) to (4) and Article 12 shall apply with regard to the declaration of conformity.                                                                                                                  | 3. <del>Article 11(2) to (4) and</del> Article 12 shall apply with regard to the declaration of conformity.                                                                                                       | <i>deleted</i>  |                 |
| <i>Article 14(4)</i> |                                                                                                                                                                                                                   |                                                                                                                                                                                                                   |                 |                 |
| 335                  | 4. The manufacturer shall fulfil the obligations of this Article as from the first revision of the declaration of performance undertaken by the                                                                   | 4. The manufacturer shall fulfil the obligations of this Article as from <del>the first revision of the declaration of performance undertaken by the</del>                                                        | <i>deleted</i>  |                 |

|                                   | Commission Proposal                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                          | Draft Agreement |
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|                                   | manufacturer after the date of application of harmonised technical specification, for the respective product family or category, but at the latest 3 years after that date. | <del>manufacturer</del> <u>18 months</u> after the date of application of <del>harmonised technical specification, for the respective product family or category, but at the latest 3 years after that date</del> <u>the relevant harmonised technical specification</u> . |                                                                                                                                                                          |                 |
| Article 15                        |                                                                                                                                                                             |                                                                                                                                                                                                                                                                            |                                                                                                                                                                          |                 |
| 336                               | Article 15<br>Supply of the declaration of performance and of the declaration of conformity                                                                                 | Article 15<br>Supply of the declaration of performance and of the declaration of conformity                                                                                                                                                                                | Article 15<br>Supply of the declaration of performance and <del>of the declaration of</del> <u>_</u> conformity                                                          |                 |
| Article 15(1), first subparagraph |                                                                                                                                                                             |                                                                                                                                                                                                                                                                            |                                                                                                                                                                          |                 |
| 337                               | 1. The manufacturer shall supply by electronic means a copy of the declaration of performance and of the declaration of conformity of                                       | 1. The manufacturer shall supply by electronic means a copy of the declaration of performance and of the declaration of conformity of                                                                                                                                      | 1. <del>The manufacturer</del> <u>Economic operators</u> shall supply <del>by electronic means</del> <u>_</u> a copy of the declaration of performance and <del>of</del> |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                     | Draft Agreement |
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|                                    | each product which is made available on the market.                                                                                                                                                                                                                 | each product which is made available on the market.                                                                                                                                                                                  | <del>the declaration of</del> conformity <del>of</del> <u>with</u> each product which is made available on the market.                                              |                 |
| Article 15(1), second subparagraph |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                      |                                                                                                                                                                     |                 |
| 338                                | However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the declarations.                                                                                                                                | However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the declarations.                                                                                                 | However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the <del>declarations</del> <u>declaration</u> . |                 |
| Article 15(2), first subparagraph  |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                      |                                                                                                                                                                     |                 |
| 339                                | 2. Where the declaration is provided by electronic means, the manufacturer shall issue that declaration in a commonly readable, but unamendable electronic format. Alternatively, the manufacturer may use a permalink provided that the permalink and the document | 2. <del>Where</del> The declaration <del>is</del> provided by electronic means; <u>shall be issued by</u> the manufacturer <u>in a machine-readable, but unamendable electronic format.</u><br><br><u>The Commission</u> shall issue | <i>deleted</i>                                                                                                                                                      |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|  | <p>accessible via the permalink are unamendable. Commission Delegated Regulation (EU) No 157/2014<sup>1</sup> shall apply under this Regulation.</p> <hr/> <p>1. Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.</p> | <p><u>standardisation requests which aim at the elaboration of standard formats for machine-readable declarations for each harmonised technical specification.</u></p> <p><u>The Commission shall ensure that these standard formats are developed according to a uniform concept. As part of the <del>that</del> <del>declaration in a</del> commonly readable, <del>but unamendable</del> electronic format. <del>Alternatively</del>, the manufacturer may use a permalink <u>or a data carrier</u> provided that the permalink <u>or data carrier</u> and the document accessible via the permalink <u>or data carrier</u> are unamendable. Commission Delegated Regulation (EU) No 157/2014<sup>1</sup> shall apply under this Regulation.</u></p> <hr/> <p>1. Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website; OJ L 52, 21.2.2014, p. 1.</p> |                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                    | Council Mandate                                                                                                                                                          | Draft Agreement |
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|                                    |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                                                                          |                 |
| Article 15(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                                                                          |                 |
| 340                                | The manufacturer shall supply a paper copy of the declarations if the recipient requests for such paper copy.                                                                                                                                                                                                                                                               | The manufacturer shall supply a paper copy of the declarations if the recipient requests for such paper copy. | <del>The manufacturer shall supply</del> A paper copy of the <del>declarations</del> <u>declaration shall be supplied</u> if the recipient requests for such paper copy. |                 |
| Article 15(3)                      |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                                                                          |                 |
| 341                                | 3. Declarations may contain permalinks to unamendable environmental product declarations or other unamendable documents containing the requested information if those documents follow the order and structure of the declarations or if a correlation table linking the order of the declarations to the order of these documents is provided together with the permalink. | <i>deleted</i>                                                                                                | <i>deleted</i>                                                                                                                                                           |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 15(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 342           | <p>4. The manufacturer shall supply the declaration of performance and the declaration of conformity in the language or the languages required by the Member States where the manufacturer intends to make the product available. Another economic operator who makes a product available in another Member State shall make available a translation of the declaration of performance and the declaration of conformity in the languages required by that Member State together with the original, and shall comply with paragraphs 1 and 2.</p> | <p>4. The manufacturer shall supply the declaration of performance and the declaration of conformity in the language or the languages required by the Member States where the manufacturer intends to make the product available. Another economic operator who makes a product available in another Member State shall make available a translation of the declaration of performance and the declaration of conformity in the languages required by that Member State together with the original, and shall comply with paragraphs 1 and 2.</p> | <p>4. The <del>manufacturer shall supply the</del> declaration of performance and <del>the declaration of conformity</del> <u>conformity shall be supplied</u> in the language or the languages required by the Member <del>States</del> <u>State</u> where <del>the manufacturer intends to make the product</del> <u>the product is placed or made</u> available <u>on the market. An-</u> <del>Another</del> economic operator <del>who makes a product available in another Member State shall make available a translation of the declaration of performance and the declaration of conformity in the languages required by that Member State</del> <u>other than the manufacturer seeking to make a product available on the market in a Member State requiring a different language may supply a translation of the declaration</u> together with the original, <del>and shall comply with paragraphs 1</del></p> |                 |

|               | Commission Proposal                                                                                                | EP Mandate                                                                                                         | Council Mandate                                                                                                    | Draft Agreement |
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|               |                                                                                                                    |                                                                                                                    | <del>and 2.</del>                                                                                                  |                 |
| Article 16    |                                                                                                                    |                                                                                                                    |                                                                                                                    |                 |
| 343           | Article 16<br>General principles and use of CE marking                                                             | Article 16<br>General principles and use of CE marking                                                             | Article 16<br>General principles and use of CE marking                                                             |                 |
| Article 16(1) |                                                                                                                    |                                                                                                                    |                                                                                                                    |                 |
| 344           | 1. The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008. | 1. The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008. | 1. The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008. |                 |
| Article 16(2) |                                                                                                                    |                                                                                                                    |                                                                                                                    |                 |
| 345           |                                                                                                                    |                                                                                                                    |                                                                                                                    |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|               | 2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts. The CE marking may not be affixed to parts which are not key parts. | 2. The CE marking shall be affixed to those products for which the manufacturer has drawn up a declaration of performance or <u>where applicable, a declaration of performance and</u> conformity in accordance with Articles 9 and 11 to 14. The CE marking shall be affixed to key parts. <del>The CE marking may not be affixed to parts which are not key parts.</del> | 2. The CE marking shall <u>only</u> be affixed to those products for which the manufacturer has drawn up a declaration of performance <del>or</del> <u>and</u> conformity in accordance with Articles 9 and 11 <del>to 14</del> . The CE marking <del>shall</del> <u>may not</u> be affixed to <del>key parts. The CE marking may not be affixed to parts</del> <u>parts or materials intended to be used for products covered by this Regulation for</u> which <del>are not key parts</del> <u>the manufacturer has opted for the application of this Regulation in accordance with article 2(1)(e).</u> |                 |
| Article 16(3) |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 346           | 3. If neither a declaration of performance nor a declaration of conformity has been drawn up by the manufacturer, the CE marking shall not be affixed.                                                                                                                                                | 3. If neither a declaration of performance nor a declaration of conformity has been drawn up by the manufacturer, the CE marking shall not be affixed.                                                                                                                                                                                                                     | deleted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| Article 16(4)                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 347                               | 4. By affixing or having affixed the CE marking, the economic operator indicates that it takes responsibility for the conformity of the product with the declared performance and applicable product requirements of this Regulation or laid down in accordance with this Regulation. By affixing the CE marking, the economic operator becomes liable for the declared performance and the fulfilment of these requirements in accordance with national law on contractual and extra-contractual liability. | 4. By affixing or having affixed the CE marking, the economic operator indicates that it takes responsibility for the conformity of the product with the declared performance and applicable product requirements of this Regulation or laid down in accordance with this Regulation. By affixing the CE marking, the economic operator becomes liable for the declared performance and the fulfilment of these requirements in accordance with national law on contractual and extra-contractual liability. | 4. By affixing or having affixed the CE marking, the economic operator indicates that it <u>has assumed</u> <del>takes</del> responsibility for the conformity of the product with the declared performance and applicable product requirements <del>of this Regulation or</del> laid down in accordance with this Regulation. <del>By affixing the CE marking, the economic operator becomes liable for the declared performance and the fulfilment of these requirements in accordance with national law on contractual and extra-contractual liability.</del> |                 |
| Article 16(5), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 348                               | 5. The CE marking shall be the only marking which attests the performance of the product with regard to assessed essential                                                                                                                                                                                                                                                                                                                                                                                   | 5. The CE marking shall be the only marking which attests the performance of the product with regard to assessed essential                                                                                                                                                                                                                                                                                                                                                                                   | 5. The CE marking shall be the only marking which attests the performance of the product with regard to assessed essential                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                         | Draft Agreement |
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|                                    | characteristics and the conformity of the product with this Regulation.                                                                                                                                                                                             | characteristics and the conformity of the product with this Regulation.                                                                                                                                                                                                                                                                                                                         | characteristics <del>and</del> <u>in accordance with this Regulation as well as</u> the conformity of the product with this Regulation. |                 |
| Article 16(5), second subparagraph |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                         |                 |
| 349                                | Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or the declared performance in relation to the essential characteristics covered by the harmonised zone. | Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with requirements or <del>the declared performance in relation to the essential characteristics covered by the harmonised zone</del> <u>essential characteristics unless a basis for such reference was laid down in accordance with Article 7(5).</u> | <i>deleted</i>                                                                                                                          |                 |
| Article 16(6), first subparagraph  |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                         |                 |
| 350                                | 6. A Member State shall not prohibit or impede, within its                                                                                                                                                                                                          | 6. A Member State shall not prohibit or impede, within its                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                         |                 |

|                                           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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|                                           | territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State.                                                                                                                                                                                                         | territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State. <u>Only those requirements covered by the harmonised zone shall be considered by that Member State.</u>                                                                                                                                                                           | <i>deleted</i>  |                 |
| <i>Article 16(6), second subparagraph</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
| 351                                       | A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum requirements. | A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of products bearing the CE marking, when the <u>declared performances correspond to the requirements in that Member State or the</u> product conforms with product requirements set-up in or by means of this Regulation, unless it is specified in the respective harmonised technical specification that the respective requirements constitute only minimum | <i>deleted</i>  |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                      | Council Mandate                                                       | Draft Agreement |
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|                      |                                                                                                                                                                                                                                                                                                 | requirements.                                                                                                                                                                                                                                                                                   |                                                                       |                 |
| <i>Article 16(7)</i> |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                 |                                                                       |                 |
| 352                  | 7. A Member State shall ensure that the use of products bearing the CE marking shall not be impeded by rules or conditions imposed by public bodies or private bodies acting as a public undertaking, or acting as a public body on the basis of a monopoly position or under a public mandate. | 7. A Member State shall ensure that the use of products bearing the CE marking shall not be impeded by rules or conditions imposed by public bodies or private bodies acting as a public undertaking, or acting as a public body on the basis of a monopoly position or under a public mandate. | <i>deleted</i>                                                        |                 |
| <i>Article 17</i>    |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                 |                                                                       |                 |
| 353                  | Article 17<br><br>Rules and conditions for the affixing of CE marking                                                                                                                                                                                                                           | Article 17<br><br>Rules and conditions for the affixing of CE marking                                                                                                                                                                                                                           | Article 17<br><br>Rules and conditions for the affixing of CE marking |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| Article 17(1)                                |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 354                                          | 1. The CE marking shall be affixed visibly, legibly and indelibly to the product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents. | 1. The CE marking shall be affixed visibly, legibly and indelibly to the product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents. | 1. The CE marking shall be affixed visibly, legibly and indelibly to the product <del>or to a label attached to it</del> . Where this is not possible or not warranted on account of the nature of the product, <del>the CE marking</del> shall be affixed to <u>a label attached to the product or to</u> the packaging or, <u>where that is also not possible</u> , to the accompanying documents. |                 |
| Article 17(2), first subparagraph            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 355                                          | 2. The CE marking shall be followed by:                                                                                                                                                                                                                                    | 2. The CE marking shall be followed by:                                                                                                                                                                                                                                    | 2. The CE marking shall be followed by:                                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 17(2), first subparagraph, point (a) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 356                                          |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |



|                                              | Commission Proposal                                                                                                                                                                        | EP Mandate                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                                              | (a) the two last digits of the year in which it was first affixed;                                                                                                                         | (a) the two last digits of the year in which it was first affixed;                                                                                                                         | (a) the two last digits of the year in which <del>the CE-marking-#</del> was first affixed; <u>or, in case of used products, the two last digits of the year when the product was de-installed followed by the last two digits of the year in which the CE marking was affixed on the used product;</u> |                 |
| Article 17(2), first subparagraph, point (b) |                                                                                                                                                                                            |                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                         |                 |
| 357                                          | (b) the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity; | (b) the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity; | (b) the name and the registered address <del>of the manufacturer</del> , or the identifying mark allowing <u>easy and unambiguous</u> identification of the name and address, of the manufacturer <del>easily and without any ambiguity</del> ;                                                         |                 |
| Article 17(2), first subparagraph, point (c) |                                                                                                                                                                                            |                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                         |                 |
| 358                                          | (c) the name and the registered                                                                                                                                                            | (c) the name and the registered                                                                                                                                                            | (c) the name and the registered                                                                                                                                                                                                                                                                         |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                              | address of the authorised representative, or the identifying mark allowing identification of the name and address of the authorised representative easily and without any ambiguity where the manufacturer does not have a place of business in the Union or where the manufacturer chooses to have an authorised representative; | address of the authorised representative, or the identifying mark allowing identification of the name and address of the authorised representative easily and without any ambiguity where the manufacturer does not have a place of business in the Union or where the manufacturer chooses to have an authorised representative; | address <del>of the authorised representative</del> , or the identifying mark allowing <u>easy and unambiguous</u> identification of the name and address, of the authorised representative <del>easily and without any ambiguity where the manufacturer does not have a place of business in the Union or</del> where <del>the manufacturer chooses to have an authorised</del> <u>representative available</u> ; |                 |
| Article 17(2), first subparagraph, point (d) |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 359                                          | (d) the unique identification code of the product-type, the permalink to the manufacturer's products registration(s) in Union databases and the precise location therein where the product can be found;                                                                                                                          | (d) the unique identification code of the product-type, the permalink <u>or data carrier</u> to the manufacturer's products registration(s) in Union databases <del>and the precise location therein where the product can be found</del> <u>or to the manufacturer's website</u> ;                                               | (d) the unique identification code of the product-type, <del>the permalink to the manufacturer's products registration(s) in Union databases and the precise location therein where the product can be found</del> ;                                                                                                                                                                                               |                 |
| Article 17(2), first subparagraph, point (e) |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|                                              | Commission Proposal                                                                            | EP Mandate                                                      | Council Mandate                                                                                                                                                                             | Draft Agreement |
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| 360                                          | (e) the permalink to the manufacturer's own product presentation website, if any there is any; | <i>deleted</i>                                                  | <i>deleted</i>                                                                                                                                                                              |                 |
| Article 17(2), first subparagraph, point (f) |                                                                                                |                                                                 |                                                                                                                                                                                             |                 |
| 361                                          | (f) the reference number of the declaration of performance; and                                | (f) the reference number of the declaration of performance; and | (f) the reference <del>number</del> <u>code</u> of the declaration of performance; and <u>conformity</u> ;                                                                                  |                 |
| Article 17(2), first subparagraph, point (g) |                                                                                                |                                                                 |                                                                                                                                                                                             |                 |
| 362                                          | (g) the identification number of the notified body, if applicable.                             | <i>deleted</i>                                                  | (g) the identification number of the notified body <u>or bodies</u> <u>verifying the product type and assessing the factory production control</u> , if applicable. <del>;</del> <u>and</u> |                 |

|                                               | Commission Proposal                                                                                                                                      | EP Mandate                                                                                                                                                                      | Council Mandate                                                                                                                                                                                              | Draft Agreement |
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| Article 17(2), first subparagraph, point (ga) |                                                                                                                                                          |                                                                                                                                                                                 |                                                                                                                                                                                                              |                 |
| 362a                                          |                                                                                                                                                          |                                                                                                                                                                                 | <u>(h) a permalink to the product registration in the database or system established in accordance with Article 78, where available.</u>                                                                     |                 |
| Article 17(2), second subparagraph            |                                                                                                                                                          |                                                                                                                                                                                 |                                                                                                                                                                                                              |                 |
| 363                                           | The items listed in points d) to f) may be replaced by a permalink to the combined declaration of performance and of conformity (electronic CE marking). | The items listed in points d) to f) may be replaced by a permalink <u>or data carrier</u> to the combined declaration of performance and of conformity (electronic CE marking). | The <del>items</del> <u>information</u> listed in points d) to f) may be replaced by a permalink to the <del>combined</del> declaration of performance and <del>of</del> conformity (electronic CE marking). |                 |
| Article 17(3)                                 |                                                                                                                                                          |                                                                                                                                                                                 |                                                                                                                                                                                                              |                 |
| 364                                           | 3. The CE marking shall be affixed before the product is placed on the market or directly installed                                                      | 3. The CE marking shall be affixed before the product is placed on the market <del>or directly installed</del>                                                                  | 3. The CE marking shall be affixed before the product is placed on the market <del>or directly installed</del>                                                                                               |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                             | into a construction work. It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.                                                                                                                                                     | <del>into a construction work.</del> It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.                                                                                                                                                                                 | <del>into a construction work.</del> It may be subsequently followed by a pictogram or any other mark indicating a special risk or use.                                                                                                                                                                                                             |                 |
| Article 18                  |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                     |                 |
| 365                         | Article 18<br>Other markings                                                                                                                                                                                                                                                     | Article 18<br>Other markings                                                                                                                                                                                                                                                                                            | Article 18<br>Other markings <u>and performance claims</u>                                                                                                                                                                                                                                                                                          |                 |
| Article 18, first paragraph |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                     |                 |
| 366                         | Markings other than the CE marking, including private ones, may be affixed on a product only if they do not cover or refer to harmonised technical specifications or to product requirements or essential characteristics or assessment methods included in the harmonised zone. | Markings other than the CE marking, including private ones, may be affixed on a product only if they do not <del>cover or refer to</del> <u>harmonised technical specifications or to only signify conformity of the product with the declared performance or with the</u> product requirements <del>or essential</del> | <u>1.</u> Markings other than the CE marking, including private ones, may <u>not</u> be affixed on a product <del>only</del> if they <u>indicate that the product's performance in relation to essential characteristics covered by applicable</u> <del>do not cover or refer to</del> harmonised technical specifications <del>or to product</del> |                 |

|                              | Commission Proposal                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                              |                                                                                                                                                                                                                                     | <del>characteristics or assessment methods included in the harmonised zone</del> <u>set out in this Regulation and if those requirements are not mandatory for the marketing or use of a product. Those restrictions do not apply to the EU Ecolabel and other officially recognised type I-ecolabels (ISO 14024).</u>                                                                       | <del>requirements or essential characteristics or assessment methods included in the harmonised zone</del> <u>had to be assessed in a different way than what has been laid down by this Regulation. This does not apply to markings which indicate conformity with legislation of third countries.</u>                                                                            |                 |
| Article 18, second paragraph |                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 367                          | No other marking than marking set out by Union legislation may be affixed on a product in a distance smaller than the double length of the CE marking measured from any point of the CE and the other marking set out by Union law. | <del>No</del> <u>Markings</u> <del>other marking than marking than markings</del> set out by Union legislation may be affixed on a product, <u>provided that those markings do not impair the visibility, legibility and meaning in a distance smaller than the double length of the CE marking measured from any point</u> of the CE <del>and the other marking set out by Union law.</del> | <u>2. No</u> <del>Other marking than marking set out by Union legislation may be affixed on a product in a distance smaller than the double length of the CE marking measured from any point</del> <u>markings allowed in accordance with paragraph 1 shall not impair the visibility, legibility and meaning</u> of the CE <del>and the other marking set out by Union law.</del> |                 |

|                               | Commission Proposal                                                                                                    | EP Mandate                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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| Article 18, third paragraph   |                                                                                                                        |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 368                           | No other marking than the CE marking may be placed on the declaration of performance or the declaration of conformity. | No other marking than the CE marking may be placed on the declaration of performance or the declaration of conformity. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 18, third paragraph a |                                                                                                                        |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 368a                          |                                                                                                                        |                                                                                                                        | <u>3. Where a product is covered by a harmonised technical specification, a claim made by an economic operator about product performance, which concerns an essential characteristic covered by the specification, shall be in compliance with the assessment method for that particular essential characteristic as laid down in the harmonised technical specification.</u> |                 |
| Article 18, fifth paragraph   |                                                                                                                        |                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                               |                 |

|             | Commission Proposal                                                    | EP Mandate                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 368b        |                                                                        |                                                                        | <p><u>4. Where a product is covered by harmonised technical specifications, claims about its performance in relation to the essential characteristics laid down in those harmonised technical specification may be provided elsewhere than in the declaration of performance and conformity only if in parallel provided in the declaration of performance and conformity. This obligation shall not apply to situations where, in accordance with Article 10, no declaration of performance and conformity has been drawn up.</u></p> |                 |
| CHAPTER III |                                                                        |                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 369         | <p>CHAPTER III</p> <p>OBLIGATIONS AND RIGHTS OF ECONOMIC OPERATORS</p> | <p>CHAPTER III</p> <p>OBLIGATIONS AND RIGHTS OF ECONOMIC OPERATORS</p> | <p>CHAPTER III</p> <p>OBLIGATIONS AND RIGHTS OF ECONOMIC OPERATORS</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |



|                | Commission Proposal                                                 | EP Mandate                                                          | Council Mandate                                                                                                                                                                                                                   | Draft Agreement |
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| Article 19     |                                                                     |                                                                     |                                                                                                                                                                                                                                   |                 |
| 370            | Article 19<br>Obligations of all economic operators                 | Article 19<br>Obligations of all economic operators                 | Article 19<br>Obligations of all economic operators                                                                                                                                                                               |                 |
| Article 19(-1) |                                                                     |                                                                     |                                                                                                                                                                                                                                   |                 |
| 370a           |                                                                     |                                                                     | <u>0. The obligations of economic operators under this Chapter are only applicable in relation to products covered by a harmonised technical specification or to products CE-marked based on a European technical assessment.</u> |                 |
| Article 19(1)  |                                                                     |                                                                     |                                                                                                                                                                                                                                   |                 |
| 371            | 1. An economic operator shall take all necessary measures to ensure | 1. An economic operator shall take all necessary measures to ensure | 1. An economic operator shall take all necessary measures to ensure                                                                                                                                                               |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               | continued compliance, including of products, with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.                   | continued compliance, <del>including of products,</del> with this Regulation. Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed. | continued compliance, including of products, with this Regulation. <del>Where non-compliance of the economic operator or of a product has been stated and corrective action has been requested by a market surveillance authority in accordance with Article 70(1), the economic operator shall submit progress reports to that authority until that authority decides that the corrective action can be closed.</del> |                 |
| Article 19(2) |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 372           | 2. Where diverging statements of non-compliance of an economic operator or of a product and requests for corrective action emanate from authorities of different Member States, an economic operator shall take differentiated measures, subject to where the products are intended to be made available on the market or directly installed. Where this is not possible or where a more severe measure imposed by one Member | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                         | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                     | Council Mandate                                                                                                                                                                                   | Draft Agreement |
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|                                                     | State encompasses the less severe measure imposed by another, the more severe measure shall be taken. Where these rules do not lead to a clear result, the Member States concerned and the Commission, and, on their request, other Member States shall try to find a common solution and, if need is, adopt an implementing act in accordance with Article 33. |                                                                                                                                                                |                                                                                                                                                                                                   |                 |
| <i>Article 19(3), first subparagraph</i>            |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                |                                                                                                                                                                                                   |                 |
| 373                                                 | 3. An economic operator shall, on request of an authority, communicate any economic operator or other actor to that authority:                                                                                                                                                                                                                                  | 3. An economic operator shall, on request of <del>an</del> <u>the competent</u> authority, communicate any economic operator or other actor to that authority: | 3. An economic operator shall, on request of <del>an</del> <u>a market surveillance</u> authority, <del>communicate</del> <u>identify</u> any economic operator or other actor to that authority: |                 |
| <i>Article 19(3), first subparagraph, point (a)</i> |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                |                                                                                                                                                                                                   |                 |
| 374                                                 | (a) who has supplied it with a                                                                                                                                                                                                                                                                                                                                  | (a) who has supplied it with a                                                                                                                                 | (a) who has supplied it with a                                                                                                                                                                    |                 |

|                                              | Commission Proposal                                                                                                                                                      | EP Mandate                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                              | product, including components or replacement parts of products, or services, with relevance for a product, and the quantity of that supply;                              | product, including components or replacement parts of products, or services, with relevance for a product, and the quantity of that supply;                              | product, including components or <del>replacement</del> <u>spare</u> parts of products, <del>or services, with relevance for a product, and the quantity of that supply</del> <u>and the quantity of that supply, or who has supplied it with a service covered by this Regulation;</u>                                                    |                 |
| Article 19(3), first subparagraph, point (b) |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                            |                 |
| 375                                          | (b) to who it has supplied a product, including components or replacement parts of products, or services, with relevance for a product, and the quantity of that supply; | (b) to who it has supplied a product, including components or replacement parts of products, or services, with relevance for a product, and the quantity of that supply; | (b) to <del>who</del> <u>whom</u> it has supplied a product, including components or <del>replacement</del> <u>spare</u> parts of products, <del>or services, with relevance for a product, and the quantity of that supply</del> <u>and the quantity of that supply, or to whom it has supplied a service covered by this Regulation;</u> |                 |
| Article 19(3), first subparagraph, point (c) |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                            |                 |
| 376                                          |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                            |                 |

|                                                       | Commission Proposal                                                                                                                                       | EP Mandate                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                                                       | (c) who is involved in financial and other collateral services linked to the making available or direct installation of products.                         | <i>deleted</i>                                                                                                                                                                             | <i>deleted</i>  |                 |
| <i>Article 19(3), second subparagraph</i>             |                                                                                                                                                           |                                                                                                                                                                                            |                 |                 |
| 377                                                   | When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about to all connected data, including: | When identifying the operators referred to in first subparagraph, an economic operator shall inform the authority about <del>to all connected data, including</del> <u>the following</u> : | <i>deleted</i>  |                 |
| <i>Article 19(3), second subparagraph, point (i)</i>  |                                                                                                                                                           |                                                                                                                                                                                            |                 |                 |
| 378                                                   | (i) addresses of the operators referred to in the first subparagraph;                                                                                     | <i>deleted</i>                                                                                                                                                                             | <i>deleted</i>  |                 |
| <i>Article 19(3), second subparagraph, point (ii)</i> |                                                                                                                                                           |                                                                                                                                                                                            |                 |                 |

|                                                        | Commission Proposal                                                           | EP Mandate                                                                                                                                                  | Council Mandate | Draft Agreement |
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| 379                                                    | (ii) contact details of these operators;                                      | (ii) contact details, <u>including addresses, email addresses and websites of the <del>of these</del> operators referred to in the first subparagraph</u> ; | <i>deleted</i>  |                 |
| <i>Article 19(3), second subparagraph, point (iii)</i> |                                                                               |                                                                                                                                                             |                 |                 |
| 380                                                    | (iii) email addresses, websites and social media profiles of these operators; | <i>deleted</i>                                                                                                                                              | <i>deleted</i>  |                 |
| <i>Article 19(3), second subparagraph, point (iv)</i>  |                                                                               |                                                                                                                                                             |                 |                 |
| 381                                                    | (iv) tax and company registration numbers of these operators;                 | (iv) tax and company registration numbers of these operators;                                                                                               | <i>deleted</i>  |                 |

|                                                       | Commission Proposal                                                                                                                                                          | EP Mandate                                                                                                                                                                 | Council Mandate                                                                                                                                                                              | Draft Agreement |
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| <i>Article 19(3), second subparagraph, point (v)</i>  |                                                                                                                                                                              |                                                                                                                                                                            |                                                                                                                                                                                              |                 |
| 382                                                   | (v) bank accounts of these operators; and                                                                                                                                    | <i>deleted</i>                                                                                                                                                             | <i>deleted</i>                                                                                                                                                                               |                 |
| <i>Article 19(3), second subparagraph, point (vi)</i> |                                                                                                                                                                              |                                                                                                                                                                            |                                                                                                                                                                                              |                 |
| 383                                                   | (vi) names, addresses, contact details of natural or legal persons acting for those operators.                                                                               | (vi) names, addresses, contact details of natural or legal persons acting for those operators, <u>if relevant, and, in any event, in compliance with [GDPR].</u>           | <i>deleted</i>                                                                                                                                                                               |                 |
| <i>Article 19(4)</i>                                  |                                                                                                                                                                              |                                                                                                                                                                            |                                                                                                                                                                                              |                 |
| 384                                                   | 4. An economic operator shall be able to present all documentation and information referred to in this Chapter to authorities for a period of ten years after they have last | 4. An economic operator shall be able to present all documentation, <u>including the declaration of performance and the declaration of conformity, through the digital</u> | 4. An economic operator shall <del>be able to present all documentation and</del> <u>keep all documents and all</u> information referred to in this Chapter <u>at the disposal of market</u> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                                   | <p>been in possession or dealing with the product in question, unless they are permanently available via the product registration database or system established in accordance with Article 78. It shall present the documentation and information within 10 days of receipt of a request by the respective authority.</p> | <p><u>construction products passport, as well as</u> <del>and</del> information referred to in this Chapter to authorities for a period of ten years after they have last been in possession or dealing with the product in question, <del>unless they are permanently available via the product registration database or system established in accordance with Article 78.</del> It shall present the documentation and information within 10 days of receipt of a request by the respective authority.</p> | <p><u>surveillance</u> <del>to</del> authorities for a period of <u>at least</u> ten years after <u>the economic operator supplied or was supplied</u> <del>they have last been in possession or dealing</del> with the product <u>or service</u> in question, unless <del>they are permanently</del> <u>the documents or the information have been made</u> available via the <u>product registration</u> <del>database or system established</del> in accordance with <del>Article 78</del> <u>paragraph 5</u>.</p> <p><u>An economic operator</u> <del>It</del> shall present the <del>documentation</del> <u>documents</u> and information within 10 days of receipt of a request by the respective authority.</p> |                 |
| Article 19(5), first subparagraph |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 385                               | <p>5. An economic operator shall provide all the requested data into the database or system established in accordance with Article 78 within two months after the availability of that database or</p>                                                                                                                     | <p><i>deleted</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>5. <del>An economic operator shall provide all the requested data into</del> <u>Once</u> the database or system established in accordance with Article 78 <del>within two months after the availability of that database or</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |



|                                   | Commission Proposal                                                                                                                                                                          | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                   | system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data. |            | <del>system has been stated in a publication of the Official Journal and bear the fees of registration linked thereto. It shall at least bi-annually verify the correctness of the provided data.</del> <u>is operational, an economic operator may make the following data or documents available through that database or system :</u> |                 |
| Article 19(a)                     |                                                                                                                                                                                              |            |                                                                                                                                                                                                                                                                                                                                          |                 |
| 385a                              |                                                                                                                                                                                              |            | <u>(a) the declaration of performance and conformity referred to in Article 11 in the form of a product data sheet;</u>                                                                                                                                                                                                                  |                 |
| Article 19(b), first subparagraph |                                                                                                                                                                                              |            |                                                                                                                                                                                                                                                                                                                                          |                 |
| 385b                              |                                                                                                                                                                                              |            | <u>(b) the technical documentation referred to in Article 21(3); and</u>                                                                                                                                                                                                                                                                 |                 |

|                                    | Commission Proposal                                                                                                   | EP Mandate                                                                                                            | Council Mandate                                                                                               | Draft Agreement |
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|                                    |                                                                                                                       |                                                                                                                       |                                                                                                               |                 |
| Article 19(b), second subparagraph |                                                                                                                       |                                                                                                                       |                                                                                                               |                 |
| 385c                               |                                                                                                                       |                                                                                                                       | <u>(c) the general information, instructions for use and safety information referred to in Article 21(6).</u> |                 |
| Article 19(5), second subparagraph |                                                                                                                       |                                                                                                                       |                                                                                                               |                 |
| 386                                | An economic operator shall register into its respective national system established in accordance with Article 77(5). | An economic operator shall register into its respective national system established in accordance with Article 77(5). | <i>deleted</i>                                                                                                |                 |
| Article 19(5), third subparagraph  |                                                                                                                       |                                                                                                                       |                                                                                                               |                 |
| 387                                | An economic operator shall make available to consumers and users                                                      | An economic operator shall make available to consumers and users                                                      |                                                                                                               |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                  | Draft Agreement |
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|                                               | communication channels, including telephone numbers, e-mail or dedicated sections of its website and social media page, allowing it to communicate any accident, other incident or safety issue it has experienced with the product. | communication channels, including telephone numbers, e-mail or dedicated sections of its website and social media page, allowing it to communicate any accident, other incident or safety issue it has experienced with the product. | <i>deleted</i>                                                                                                                                                                                   |                 |
| Article 19(b), 5., point (a)                  |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                  |                 |
| 387a                                          |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      | <u>5a. Five months after the entry into force of the implementing act referred to in Article 78(1d), an economic operator shall:</u>                                                             |                 |
| Article 19(b), fourth subparagraph, point (a) |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                  |                 |
| 387b                                          |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      | <u>(a) before placing a product on the market, ensure that the corresponding data or documents referred to in paragraph 5 points (a) and (c) have been shared or uploaded in the database or</u> |                 |

|                                               | Commission Proposal                                          | EP Mandate                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                               |                                                              |                                                                                      | <u>system established in accordance with Article 78;</u>                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 19(b), fourth subparagraph, point (b) |                                                              |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 387c                                          |                                                              |                                                                                      | <u>(b) before making a product available on the market in a Member State requiring the data or documents referred to in paragraph 5 points (a) and (c) to be in a different language than what has previously been shared or uploaded, ensure that a translation of the data or documents have been shared or uploaded in the database or system established in accordance with Article 78.</u> |                 |
| Article 19(6)                                 |                                                              |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 388                                           | 6. An economic operator may inform authorities of any likely | 6. An economic operator <del>may</del> <u>shall</u> inform authorities of any likely | 6. An economic operator may inform authorities of any likely                                                                                                                                                                                                                                                                                                                                    |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|               | infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.                                                        | infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.                                                        | infringement of this Regulation it becomes aware of. Where this economic operator considers that non-conforming products present a risk to human safety or to the environment, it shall immediately inform the competent authorities of the Member States in which it made the product available thereof, giving details, in particular, of the non-compliance and of any corrective measures taken. |                 |
| Article 19(7) |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 389           | 7. An economic operator subject to certification by a notified body or supplying services or parts to manufacturers shall permit notified bodies to have access to its documentation and to its premises to the extent that this is needed for the activities of the notified bodies. It shall produce correct information for notified bodies and shall correct any incorrect information. Moreover, this economic operator shall inform the notified body | 7. An economic operator subject to certification by a notified body or supplying services or parts to manufacturers shall permit notified bodies to have access to its documentation and to its premises to the extent that this is needed for the activities of the notified bodies. It shall produce correct information for notified bodies and shall correct any incorrect information. Moreover, this economic operator shall inform the notified body | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                       |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                              | EP Mandate                                                                             | Council Mandate                             | Draft Agreement |
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|                      | within one month of all changes that might affect the compliance with this Regulation.                                                                                                                                                                           | within one month of all changes that might affect the compliance with this Regulation. |                                             |                 |
| <i>Article 20</i>    |                                                                                                                                                                                                                                                                  |                                                                                        |                                             |                 |
| 390                  | Article 20<br>Procedural rights of economic operators                                                                                                                                                                                                            | <i>deleted</i>                                                                         | <del>Article 20</del><br><br><i>deleted</i> |                 |
| <i>Article 20(1)</i> |                                                                                                                                                                                                                                                                  |                                                                                        |                                             |                 |
| 391                  | <i>I.</i> Any definitive or interim measure, decision or order taken or made by authorities pursuant to this Regulation against an economic operator and the natural or legal persons acting on their behalf shall state the exact grounds on which it is based. | <i>deleted</i>                                                                         | <i>deleted</i>                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                    | EP Mandate     | Council Mandate | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                        |                |                 |                 |
| Article 20(2) |                                                                                                                                                                                                                                                                                                                                                        |                |                 |                 |
| 392           | 2. Any such measure, decision or order shall be communicated without delay to the relevant economic operator and the natural or legal persons acting on their behalf, who shall at the same time be informed of the remedies available to them under the law of the Member State concerned and of the time limits to which those remedies are subject. | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 20(3) |                                                                                                                                                                                                                                                                                                                                                        |                |                 |                 |
| 393           | 3. Before a measure, decision or order referred to in paragraph 1 is taken or made, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 working days, unless there                                                                                                             | <i>deleted</i> | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                  | EP Mandate     | Council Mandate | Draft Agreement |
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|               | is urgency of the measure, decision or order, based on health or safety requirements or other grounds relating to the public interests covered by this Regulation.                                                                                                                                                   |                |                 |                 |
| Article 20(4) |                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 394           | 4. If the measure, decision or order is taken or made without the economic operator being given the opportunity to be heard, the economic operator shall be given that opportunity as soon as possible thereafter and that measure, decision or order can be reviewed promptly by the market surveillance authority. | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 20(5) |                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 395           | 5. Member States shall ensure that any measure covered by this                                                                                                                                                                                                                                                       |                |                 |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                  | Council Mandate                                                                                                                      | Draft Agreement |
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|               | Article can be appealed, with or without prior administrative appeal procedure, before a competent court. That court shall also be competent for deciding on the suspensive effect of the appeal or interim measures to be imposed by the court in view of both the public interest and the interests of the economic operator. | <i>deleted</i>                                                                                                              | <i>deleted</i>                                                                                                                       |                 |
| Article 21    |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                             |                                                                                                                                      |                 |
| 396           | Article 21<br>Obligations of manufacturers                                                                                                                                                                                                                                                                                      | Article 21<br>Obligations of manufacturers                                                                                  | Article 21<br>Obligations of manufacturers                                                                                           |                 |
| Article 21(1) |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                             |                                                                                                                                      |                 |
| 397           | 1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided                                                                                                                                                                                                     | 1. The manufacturer shall determine the product type, respecting the boundaries set up therefore by the definition provided | 1. <u>When placing a product on the market</u> , the manufacturer shall determine the product type, respecting the boundaries set up |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                | in Article 3 point (31). The product type shall be processed in accordance with the applicable assessment and verification system set out in Annex V. The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17. | in Article 3 point (31). The <del>product type shall be processed in accordance with the applicable assessment and verification system set out in Annex V.</del> The manufacturer shall draw up a declaration of performance and a declaration of conformity in accordance with Articles 9 and Articles 11 to 15 and affix the CE marking in accordance with Articles 16 and 17. | therefore by the definition provided in Article 3 point (31). The <del>product type</del> <u>manufacturer</u> shall <del>be processed in accordance with the applicable assessment and verification system set out in Annex V.</del> <u>The manufacturer shall draw up a declaration of performance and a declaration of conformity</u> <u>ensure that the product's performance is assessed in relation to both mandatory essential characteristics and those essential characteristics intended to be declared. If the product is covered by product requirements adopted in accordance with</u> <del>Articles 9 and Articles 11 to 15 and affix the CE marking</del> <u>Article 5(1), the manufacturer shall ensure that the product has also been designed and constructed</u> in accordance with <del>Articles 16 and 17</del> <u>those requirements</u> . |                 |
| Article 21(1a) |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 397a           |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                  | <u>1a. Where a product's</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|               | Commission Proposal                                                                                           | EP Mandate                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               |                                                                                                               |                                                                                                                                                                                                                             | <u>compliance with applicable requirements and its performance in relation to essential characteristics referred to in paragraph 1 have been demonstrated in accordance with the applicable assessment and verification system or systems set out in Annex V, the manufacturer shall draw up a declaration of performance and conformity in accordance with Articles 9 to 11 and affix the CE marking in accordance with Articles 16 and 17.</u> |                 |
| Article 21(2) |                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 398           | 2. The manufacturer shall refrain from any claim about the characteristics of a product that is not based on: | 2. The manufacturer shall refrain from any claim about the <u>essential</u> characteristics of a product that is not based on: <u>the assessment method contained in the applicable harmonised technical specification.</u> | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                                          | Commission Proposal                                                                                                                                         | EP Mandate                                                                                         | Council Mandate                                                                                                          | Draft Agreement |
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| <i>Article 21(2), point (a)</i>          |                                                                                                                                                             |                                                                                                    |                                                                                                                          |                 |
| 399                                      | (a) the assessment method contained in a harmonised technical specification where the relevant characteristic is covered by such; or                        | <i>deleted</i>                                                                                     | <i>deleted</i>                                                                                                           |                 |
| <i>Article 21(2), point (b)</i>          |                                                                                                                                                             |                                                                                                    |                                                                                                                          |                 |
| 400                                      | (b) where no such assessment method exists, an assessment method which represents the most effective and advanced method to achieve an accurate assessment. | <i>deleted</i>                                                                                     | <i>deleted</i>                                                                                                           |                 |
| <i>Article 21(3), first subparagraph</i> |                                                                                                                                                             |                                                                                                    |                                                                                                                          |                 |
| 401                                      | 3. The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a                                                          | 3. The manufacturer shall, as the basis for the declarations referred to in paragraph 1, draw up a | 3. The manufacturer shall, as the basis for the <del>declarations referred to in paragraph 1</del> <u>declaration of</u> |                 |

|                                    | Commission Proposal                                                                                                                                                           | EP Mandate                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                    | technical documentation describing the intended use including the precise conditions for use and all the elements necessary to demonstrate performance and conformity.        | technical documentation describing the intended use including the <del>precise</del> conditions for use and all the elements necessary to demonstrate performance and conformity.                        | <u>performance and conformity</u> , draw up a technical documentation describing the <u>declared use which shall fall within the scope of the applicable</u> intended use. <u>The technical documentation shall describe</u> <del>including</del> the precise conditions for <u>the product's</u> use and <u>include</u> all the <u>relevant</u> elements necessary to demonstrate performance and conformity, <u>including information on procedures in place according to paragraph 4 and on the application of the system or systems applicable in Annex V and on any simplified procedures applied in accordance with Article 64 and 66.</u> |                 |
| Article 21(3), second subparagraph |                                                                                                                                                                               |                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 402                                | That technical documentation shall contain the mandatory or facultative calculation of environmental, including climate sustainability assessed in accordance with harmonised | That technical documentation shall contain the mandatory or facultative calculation of <del>environmental, including climate sustainability</del> <u>essential characteristics related to life cycle</u> | That technical documentation shall, <u>where applicable</u> , contain the <del>mandatory or facultative calculation of environmental, including climate</del> <u>calculation substantiating the assessment of a</u>                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                   | technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation.                                                                                                                                                | assessed in accordance with harmonised technical specifications <del>adopted under this Regulation or with Commission acts</del> adopted under this Regulation.                                                                                              | <u>product's environmental sustainability</u> <del>assessed in accordance with harmonised technical specifications adopted under this Regulation or with Commission acts adopted under this Regulation</del> <u>performance as referred to in Article 11(2a)</u> . |                 |
| Article 21(3), third subparagraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                    |                 |
| 403                               | The second subparagraph shall not apply in case of used, remanufactured or surplus products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation for new products. | The second subparagraph shall not apply in case of used, remanufactured or surplus products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation for new products. | <i>deleted</i>                                                                                                                                                                                                                                                     |                 |
| Article 21(4), first subparagraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                    |                 |
| 404                               | 4. The manufacturer shall ensure                                                                                                                                                                                                                             | 4. The manufacturer shall ensure                                                                                                                                                                                                                             | 4. The manufacturer shall ensure                                                                                                                                                                                                                                   |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                    | that procedures are in place to ensure that series production maintains the declared performance and conformity. Changes in the production process, in product design or in characteristics, and changes in the harmonised technical specifications by reference to which performance or conformity of a product is declared or by application of which its performance or conformity is verified, shall be adequately taken into account and, in case the product's performance or conformity is affected, shall trigger a re-assessment in accordance with the relevant assessment procedure. | that procedures are in place to ensure that series production maintains the declared performance and conformity. Changes in the production process, in product design or in characteristics, and changes in the harmonised technical specifications by reference to which performance or conformity of a product is declared or by application of which its performance or conformity is verified, shall be adequately taken into account and, in case the product's performance or conformity is affected, shall trigger a re-assessment in accordance with the relevant assessment procedure. | that procedures are in place <del>to ensure that</del> <u>for products that are part of</u> series production <del>maintains the</del> <u>remain in</u> declared performance and <u>with this Regulation</u> . Changes in the production process, in product design or in characteristics, and changes in the <u>applicable</u> harmonised technical specifications <del>by reference to which performance or conformity of a product is declared or by application of which its performance or conformity is verified</del> <u>or harmonised standards</u> , shall be adequately taken into account and, in case the product's performance or conformity is affected, shall trigger a re-assessment in accordance with the relevant assessment procedure. |                 |
| Article 21(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 405                                | The manufacturer shall, where deemed appropriate with regard to ensuring the accuracy, reliability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The manufacturer shall, where deemed appropriate with regard to ensuring the accuracy, reliability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The manufacturer shall, where deemed appropriate with regard to ensuring the accuracy, reliability                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                   | and stability of the declared performance and of the conformity of a product, carry out sample testing of products placed or made available on the market, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep importers and distributors informed of any such monitoring. | and stability of the declared performance and of the conformity of a product, carry out sample testing of products placed or made available on the market, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep importers and distributors informed of any such monitoring. | and stability of the declared performance and of the conformity of a product, carry out sample testing of products placed or made available on the market, <u>investigate</u> , and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep importers and distributors informed of any such monitoring. |                 |
| Article 21(4), third subparagraph |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                              |                 |
| 406                               | The procedures referred to in the first subparagraph, the sample tests referred to in the second subparagraph and the application of the applicable system of Annex V shall be described in the technical documentation referred to in paragraph 3.                                                                                     | The procedures referred to in the first subparagraph, the sample tests referred to in the second subparagraph and the application of the applicable system of Annex V shall be described in the technical documentation referred to in paragraph 3.                                                                                     | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 21(5), first subparagraph |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                              |                 |



|                                    | Commission Proposal                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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| 407                                | 5. The manufacturer shall ensure that its product bear a manufacturer-specific type number and a batch or serial number. If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product. | 5. The manufacturer shall ensure that its <del>product</del> <u>products</u> bear a manufacturer-specific type number <del>and</del> , a batch or serial number <u>or any other element enabling them to be identified</u> . If this is impossible, the required information shall be provided on the packaging, on an affixed tag or, as last resort, in a document accompanying the product. | 5. The manufacturer shall ensure that its product <del>bear</del> <u>bears</u> a manufacturer-specific <del>type number</del> <del>and</del> <u>unique identification code of the product type and, where available</u> , a batch or serial number. <del>If</del> <u>Where</u> this is <u>not possible on account of the nature of the product</u> <del>impossible</del> , the required information shall be provided on the packaging, on an affixed <del>tag or, as last resort</del> <u>label or, where that is also not possible</u> , in a document accompanying the product. |                 |
| Article 21(5), second subparagraph |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 408                                | The manufacturer shall in the same way as set out in the first subparagraph label a product as “Only for professional use” if it is not intended for consumers or other non-professional users. Products not labelled “Only for professional use” shall be deemed                          | The manufacturer shall in the same way as set out in the first subparagraph label a product as “Only for professional use” if <u>expertise is needed in order to use it and shall display the label to customers before</u> it is <del>not intended for consumers or other non-</del>                                                                                                          | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|                                   | to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) ... [Regulation on General Product Safety].                                                                                           | <del>professional users</del> <u>bound by a sales contract, including in case of distance selling</u> . Products not labelled "Only for professional use" shall be deemed to be also intended for non-professional users and consumers in the meaning of this Regulation and the Regulation (EU) ... [Regulation on General Product Safety]. |                 |                 |
| Article 21(5), third subparagraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| 409                               | The manufacturer shall, in a visible manner, display to customers before it is bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                               | <i>deleted</i>  |                 |
| Article 21(6), first subparagraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| 410                               |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                              |                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|                                    | 6. When making a product available on the market in a certain Member State, the manufacturer shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users. | 6. When making a product available on the market, <u>the manufacturer who is not exempted in accordance with Article 10 of this Regulation</u> <del>in a certain Member State, the manufacturer</del> shall ensure that the product is accompanied by the information set out in harmonised technical specifications and in Annex I, <u>Part C3-Part D</u> in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users. | 6. When making a product available on the market in a certain Member State, the manufacturer shall ensure that the product is accompanied by <u>the general information, instructions for use and safety information as set out set out in harmonised technical specifications and</u> in Annex <del>I-Part D-I-D</del> in a language determined by the Member State concerned or, in absence of such determination, in a language which can be easily understood by users. |                 |
| Article 21(6), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 411                                | The Commission may, by means of implementing acts determine the format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.                                                                                                                                                                                       | The Commission <del>may, by means of</del> <u>shall adopt</u> implementing acts <u>to</u> determine the <u>electronic</u> format and the way of transmission of information to be provided by the manufacturer in accordance with the first subparagraph.                                                                                                                                                                                                                                                      | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                          | Commission Proposal                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| <i>Article 21(6), third subparagraph</i> |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 412                                      | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                                                                                       | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                                                                                                                                                                                                                                | <i>deleted</i>  |                 |
| <i>Article 21(7)</i>                     |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 413                                      | 7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 and the technical documentation in the EU product database or system established in accordance with Article 78. | 7. The manufacturer shall upload the data of the declaration of performance, of the declaration of conformity, the information referred to in paragraph 6 <del>and the technical documentation in the EU product database or system</del> <u>in the construction digital product passport and construction product passport registry</u> established in accordance with <del>Article 78</del> <u>Chapter IXa</u> . | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| Article 21(8) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 414           | <p>8. The manufacturer who has reason to believe that a product which it has placed on the market is not in conformity with requirements of this Regulation or adopted in accordance with this Regulation, shall immediately take the necessary corrective measures to bring that product into conformity, or, if appropriate, to withdraw or recall it. If the issue is linked to a supplied component or an externally provided service, the manufacturer shall inform the supplier or service provider and the manufacturer's national competent authority thereof; the latter shall transmit the respective information to the national competent authority responsible for the supplier or service provider and suggest appropriate measures.</p> | <p>8. The manufacturer who has reason to believe that a product which it has placed on the market is not in conformity with requirements of this Regulation or adopted in accordance with this Regulation, shall immediately take the necessary corrective measures to bring that product into conformity, or, if appropriate, to withdraw or recall it. If the issue is linked to a supplied component or an externally provided service, the manufacturer shall inform the supplier or service provider and the manufacturer's national competent authority thereof; the latter shall transmit the respective information to the national competent authority responsible for the supplier or service provider and suggest appropriate measures.</p> | <p>8. The manufacturer who <u>considers or</u> has reason to believe that a product which it has placed on the market is not in conformity with <del>requirements of this Regulation or adopted in accordance with</del> <u>its declared performance or in compliance with</u> this Regulation, shall immediately take the necessary corrective measures to bring that product into conformity, or, if appropriate, to withdraw or recall it. <del>If the issue is linked to a supplied component or an externally provided service, the manufacturer shall inform the supplier or service provider and the manufacturer's national competent authority thereof; the latter shall transmit the respective information to the national competent authority responsible for the supplier or service provider and suggest appropriate measures.</del></p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Article 21(9) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 415           | <p>9. Where the product presents a risk or is likely to present a risk, the manufacturer shall within two working days thereof inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, the manufacturer shall also alert the media and inform</p> | <p>9. Where the product presents a risk, <u>the manufacturer shall without undue delay and at the latest</u> <del>or is likely to present a risk, the manufacturer shall</del> within <del>two</del> <u>3</u> working days <del>thereof</del> inform <u>all</u> the authorised <del>representative</del> <u>representatives</u>, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have</p> | <p>9. Where the product presents a risk <del>or is likely to present a risk</del>, the manufacturer shall within two working days thereof inform the authorised representative, importers, distributors, fulfilment service providers, and online market places involved in the distribution, as well as the competent national authorities of the Member States in which the manufacturer or – to its knowledge – other economic operators made the product available. The manufacturer shall, to that effect, provide all useful details and, in particular, specify the type of the non-compliance, the frequency of accidents or incidents and the corrective measures taken or recommended. In case of risks caused by products which have already reached the final user or consumer, the manufacturer shall also <del>alert the media and inform</del></p> |                 |

|                | Commission Proposal                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                | <p>them about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.</p> | <p>already reached <del>the</del> final user or consumer <u>who cannot be identified or contacted directly</u>, the manufacturer shall, <u>through media and other appropriate channels, ensuring the widest possible reach, disseminate information</u> <del>also alert the media and inform them</del> about appropriate measures to eliminate or, if not possible, to reduce the risks. In case of a “serious risk” in the meaning of Article 3, point (71) the manufacturer shall withdraw and recall the product at their own cost.</p> | <p><del>them about</del> <u>inform the public about those products and any</u> appropriate measures to eliminate or, if not possible, to reduce the risks. <u>If a product presents a</u> <del>ease of a</del> “serious risk” <del>in the meaning of Article 3, point (71)</del> the manufacturer shall withdraw and recall the product at their own cost.</p> |                 |
| Article 21(10) |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                |                 |
| 416            | <p>10. The manufacturer shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.</p>                                                              | <p>10. The manufacturer shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.</p>                                                                                                                                                                                                                                                                                                                                                               | <p><i>deleted</i></p>                                                                                                                                                                                                                                                                                                                                          |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                             | Draft Agreement |
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| <i>Article 22</i>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                 |
| 417                  | Article 22<br><br>Additional environmental obligations of manufacturers                                                                                                                                                                                                                                                                                                                                                                                                                                 | Article 22<br><br>Additional environmental obligations of manufacturers                                                                                                                                                                                                                                                                                                                                                                                                                                 | <del>Article 22</del><br><br><i>deleted</i> |                 |
| <i>Article 22(1)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                 |
| 418                  | 1. For the product characteristics specified in Annex I Part A Point 2, the manufacturer shall assess the environmental characteristics of the product in accordance with harmonised technical specifications or with Commission acts adopted under this Regulation and use, once available, the latest version of the software made freely available on the website of the European Commission. However, this shall not apply in case of used, remanufactured or surplus products, unless the economic | 1. For the product characteristics specified in Annex I Part A Point 2, the manufacturer shall assess the environmental characteristics of the product in accordance with harmonised technical specifications or with Commission acts adopted under this Regulation and use, once available, the latest version of the software made freely available on the website of the European Commission. However, this shall not apply in case of used, remanufactured or surplus products, unless the economic | <i>deleted</i>                              |                 |



|                                                     | Commission Proposal                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|                                                     | operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.                                                     | operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.                                                                                                                                                                |                 |                 |
| <i>Article 22(2), first subparagraph</i>            |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                               |                 |                 |
| 419                                                 | 2. Unless product safety or the safety of construction works is thereby negatively impacted, the manufacturer has the following obligations:                                                       | 2. Unless product safety or the safety of construction works is thereby negatively impacted, the manufacturer has the following obligations:                                                                                                                                                                  | <i>deleted</i>  |                 |
| <i>Article 22(2), first subparagraph, point (a)</i> |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                               |                 |                 |
| 420                                                 | (a) design and manufacture products and their packaging in such a way that their overall environmental, including climate sustainability reaches the state of the art level, unless a lower level: | (a) design and manufacture products and their packaging in such a way that <u>the protection of human health and</u> their overall environmental <u>sustainability are maximised</u> , including <u>for</u> climate <del>sustainability reaches the state of the art level,</del> <u>and biodiversity, as</u> | <i>deleted</i>  |                 |

|                                                 | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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|                                                 |                     | <u>well as energy and resource efficiency, indoor air quality and the avoidance of substances of concern</u> unless a lower level:                                                                                                                                                                                                                                                                                                  |                 |                 |
| Article 22(2), first subparagraph, point (aa)   |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |
| 420a                                            |                     | <u>(aa) under the conditions set out in point (a)(i) and (ii) of this Article, ensure that, where technically and economically feasible and without impacting the safety of construction works, by 10 years after the adoption of performance classes in accordance with Article 4(4), point (a), or Article 5(2), all products placed on the market fall within the two highest environmental performance classes established;</u> |                 |                 |
| Article 22(2), first subparagraph, point (a)(i) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |
| 421                                             |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |

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|                                                         | (i) is proportionate when compared to the environmental sustainability improvement triggered by them at the level of the construction works; and | (i) is proportionate when compared to the environmental sustainability improvement triggered by them at the level of the construction works; and                                                                                                                                                                                              | <i>deleted</i>  |                 |
| <i>Article 22(2), first subparagraph, point (a)(ii)</i> |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| 422                                                     | (ii) is either necessary to improve the environmental sustainability at the level of the construction works.                                     | (ii) is either necessary to improve the environmental sustainability at the level of the construction works.                                                                                                                                                                                                                                  | <i>deleted</i>  |                 |
| <i>Article 22(2), first subparagraph, point (b)</i>     |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| 423                                                     | (b) under the conditions set out in point (a)(i) and (ii) give preference to recyclable materials and materials gained from recycling;           | (b) under the conditions set out in point (a)(i) and (ii) <u>and without creating unjustified barriers to the internal market,</u> give preference to <u>local, reusable, sustainably sourced bio-based or</u> recyclable materials <del>and</del> materials gained from <u>re-use or</u> recycling <u>and by-products, while taking into</u> | <i>deleted</i>  |                 |

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|                                              |                                                                                                                                                                                                    | <u>account the environmental and climate impacts of transporting such materials;</u>                                                                                                                                                                                                            |                 |                 |
| Article 22(2), first subparagraph, point (c) |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                 |                 |                 |
| 424                                          | (c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental, including climate sustainability contained in harmonised technical specifications; | (c) respect the minimum recycled content obligations and other limit values regarding aspects of environmental <u>sustainability</u> , including climate, <u>biodiversity, and resource and energy efficiency</u> , <del>sustainability</del> contained in harmonised technical specifications; | deleted         |                 |
| Article 22(2), first subparagraph, point (d) |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                 |                 |                 |
| 425                                          | (d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability does not fall beyond the average                                        | (d) prevent premature obsolescence of products, use reliable parts and design products in such a way that their durability <del>does not fall beyond</del> <u>is significantly</u>                                                                                                              | deleted         |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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|                                              | durability of products of the respective category;                                                                                                                                                                                                                                                                                                                                                                                                       | <u>improved compared to</u> the average durability of products of the respective category <u>that serves the same purpose</u> ;                                                                                                                                                                                                                                                                                                                          |                 |                 |
| Article 22(2), first subparagraph, point (e) |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 426                                          | (e) design products in such a way that they can be easily repaired, refurbished and upgraded, unless such design triggers non-compliance with other requirements of this Regulation, or other Union law, or repairing, refurbishing or upgrading is risky for human safety or the environment, in which case the manufacturer shall refrain from repairable, refurbishable or upgradable design and warn against repairing in accordance with point (f); | (e) design products in such a way that they can be easily repaired, refurbished and upgraded, unless such design triggers non-compliance with other requirements of this Regulation, or other Union law, or repairing, refurbishing or upgrading is risky for human safety or the environment, in which case the manufacturer shall refrain from repairable, refurbishable or upgradable design and warn against repairing in accordance with point (f); | <i>deleted</i>  |                 |
| Article 22(2), first subparagraph, point (f) |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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| 427                                          | (f) make available, in product databases, instructions for use and on permalinks of their own websites, information on how to repair the products and any additional information necessary for repairing, including relevant warnings;                                              | (f) make available, <u>at least on permalinks of their own websites or by means of QR codes and in the Digital in-Product <del>databases</del>, <del>instructions for use and on permalinks of their own websites</del> Passport established in accordance with Article 78, relevant instructions for use</u> , information on how to repair the products and any additional information necessary for repairing, including relevant warnings; | deleted         |                 |
| Article 22(2), first subparagraph, point (g) |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                 |
| 428                                          | (g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, with reasonably short delivery time, spare parts for their products for 10 years after the last product of the respective type has been placed on the market or | (g) make available on the market itself or by specially designated distributors or by manufacturers of spare parts, with <u>a reasonable and non-discriminatory price and with</u> reasonably short delivery time, spare parts for their products for 10 years after the last product of the                                                                                                                                                   | deleted         |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|                                              | directly installed and inform proactively about this availability;                                                                                                                                                                                                                                                                                                                                                                                                                          | respective type has been placed on the market or directly installed and inform proactively about this availability;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| Article 22(2), first subparagraph, point (h) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| 429                                          | (h) design products in such a way that re-use, remanufacturing and recycling are facilitated, namely by facilitating the separation of components and materials at the later stage of recycling and avoiding mixed, blended or intricate materials, unless remanufacturing and recycling are risky for human safety or the environment. In this case the manufacturer shall refrain from such design and warn against remanufacturing and recycling in accordance with the following point; | (h) design products <u>components and materials</u> in such a way that <del>re-use, remanufacturing and recycling are facilitated</del> <u>that they are reusable, remanufacturable and recyclable</u> , namely by facilitating the separation of <u>products</u> components and materials at <u>de-installation, deconstruction and demolition and</u> the later stage of recycling and avoiding mixed, blended or intricate materials <u>and substances of concern, and, when,</u> <del>unless</del> remanufacturing and recycling are risky for human safety or the environment. <del>In this case the manufacturer shall refrain from such design and</del> , warn against remanufacturing and recycling in accordance with the following | deleted         |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                                                     |                                                                                                                                                                                                                                                                       | point;                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                 |
| <i>Article 22(2), first subparagraph, point (i)</i> |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 430                                                 | (i) make available, in product databases, instructions for use and on their own websites, information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings; | (i) make available, <u>at least on their own websites or by means of QR codes and in the Digital Product Passport established in accordance with Article 78,</u> <del>relevant in product databases, instructions for use and on their own websites,</del> information on how to remanufacture or recycle the products and any additional information necessary for re-use, remanufacturing or recycling, including relevant warnings <u>and a list of recycling facilities;</u> | deleted         |                 |
| <i>Article 22(2), first subparagraph, point (j)</i> |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 431                                                 | (j) accept to regain, directly or via their importers and distributors,                                                                                                                                                                                               | (j) accept to regain <u>free of charge,</u> directly or via their importers and                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |



|                                               | Commission Proposal                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate | Draft Agreement |
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|                                               | ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market. | distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market.<br><u>unless more than 5 years have passed since the product was placed on the market;</u>                                                                                                                                                                                                              | <i>deleted</i>  |                 |
| Article 22(2), first subparagraph, point (ja) |                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |                 |
| 431a                                          |                                                                                                                             | <u>(ja) have extended producer responsibility, in accordance with relevant provisions in Directive 2008/98/EC, for products that they make available on the market for the first time within the territory of a Member State, including financing of direct or indirect collection, transport, preparation for repurposing and remanufacturing, treatment and recycling of waste construction products and providing end-of-life information.</u> |                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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| Article 22(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |
| 432                                | Where obligations of this paragraph cannot be cumulatively fulfilled due to a conflict arising between different obligations, the manufacturer shall choose a trade-off solution that brings the highest and most cost-effective benefits in terms of environmental sustainability for the products and construction works combined. However, the “safety first” principle, applicable both for the construction product and the construction works, shall in all instances be respected, and shall encompass protection of health. | Where obligations of this paragraph cannot be cumulatively fulfilled due to a conflict arising between different obligations, the manufacturer shall choose a trade-off solution that brings the highest and most cost-effective benefits in terms of environmental sustainability for the products and construction works combined. However, the “safety first” principle, applicable both for the construction product and the construction works, shall in all instances be respected, and shall encompass protection of health. | <i>deleted</i>  |                 |
| Article 22(3)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |                 |
| 433                                | 3. Paragraph 2, points (a) to (c) and paragraph 2 point (j), shall not apply in case of used, remanufactured or surplus                                                                                                                                                                                                                                                                                                                                                                                                             | 3. Paragraph 2, points (a) to (c) and paragraph 2 point (j), shall not apply in case of used, remanufactured or surplus                                                                                                                                                                                                                                                                                                                                                                                                             | <i>deleted</i>  |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|                      | products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | products, unless the economic operator, subject to the obligations of this Article by virtue of Article 26, opts for the application of this Regulation as for new products.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| <i>Article 22(4)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| 434                  | 4. In order to specify the obligations set out in paragraph 2, the Commission is empowered to supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 for a specific product family or category. The obligations contained in paragraph 2 shall not apply before such a delegated act or a harmonised standard has | 4. In order to specify the obligations set out in paragraph 2 <u>of this Article</u> , the Commission <del>is empowered to</del> <u>shall, by ... [1 year after date of application of this Regulation]</u> , supplement this Regulation, by means of delegated acts in accordance with Article 87, by specifying, for particular product families and categories, these obligations. Alternatively, the Commission may issue standardisation requests which aim at the elaboration of harmonised standards providing presumption of conformity with the obligations of paragraph 2 <u>of this Article</u> for a specific product family or category. The obligations contained in paragraph 2, <u>points</u> | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|               | become applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>(a), (d), (e), (g) (h), (i) and (ja) of this Article</u> shall not apply before such a delegated act or a harmonised standard has become applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| Article 22(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| 435           | 5. In order to ensure transparency for the users and to promote sustainable products, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements including “traffic-light-labelling” in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), point (a). | 5. In order to ensure transparency for the users and to promote sustainable products, the Commission <del>is empowered to</del> <u>shall</u> supplement this Regulation by delegated acts adopted in accordance with Article 87 to establish specific environmental sustainability labelling requirements <del>including “traffic-light-labelling”</del> <u>for products marketed to end consumers</u> in relation to environmental obligations set out in paragraph 1, product inherent environmental requirements set out in Annex I Part C Point 2, and environmental performance classes established in accordance with of Article 4(4), | <i>deleted</i>  |                 |

|                | Commission Proposal                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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|                |                                                                                                                                          | point (a).                                                                                                                                                                                                                                                                     |                 |                 |
| Article 22(6)  |                                                                                                                                          |                                                                                                                                                                                                                                                                                |                 |                 |
| 436            | 6. The manufacturer shall affix the traffic light label in the way set out in the delegated acts adopted in accordance with paragraph 5. | 6. The manufacturer shall affix the <del>traffic light</del> label in the way set out in the delegated acts adopted in accordance with paragraph 5, <u>including in a visible manner at the point of sale, including online sales, and on the website of the manufacturer.</u> | <i>deleted</i>  |                 |
| Article 22(6a) |                                                                                                                                          |                                                                                                                                                                                                                                                                                |                 |                 |
| 436a           |                                                                                                                                          | <u>6a. Where appropriate to promote the availability of products with the best sustainability performance on the market, the Commission shall foster the use of the EU Ecolabel referred to in Regulation (EC) No 66/2010 of the European Parliament and of</u>                |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement |
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|               |                                                                                                                                                                                                                                                    | <u><i>the Council for labelling the best performing products.</i></u>                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| Article 23    |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                     |                 |
| 437           | Article 23<br>Obligations of authorised representatives                                                                                                                                                                                            | Article 23<br>Obligations of authorised representatives                                                                                                                                                                                                                                   | Article 23<br>Obligations of authorised representatives                                                                                                                                                                                                                             |                 |
| Article 23(1) |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                     |                 |
| 438           | 1. A manufacturer may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative. | 1. A manufacturer <u><i>established in the Union</i></u> may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative. A manufacturer not established in the Union shall appoint a single authorised representative. | 1. A manufacturer may appoint, by a written mandate, any natural or legal person established within the Union as a single authorised representative.<br><br><u><i>The drawing up of technical documentation shall not form part of the</i></u> <del><i>A manufacturer not</i></del> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                 | Draft Agreement |
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|                                   |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                           | <i>established in the Union shall appoint a single</i> authorised representative's <u>mandate</u> .                                                                             |                 |
| Article 23(2)                     |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                 |                 |
| 439                               | 2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for gross negligence or conscious infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability. | 2. Authorised representatives shall act with due care in relation to the obligations of this Regulation. They shall be liable for <del>gross negligence or conscious</del> infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability. | <i>deleted</i>                                                                                                                                                                  |                 |
| Article 23(3), first subparagraph |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                 |                 |
| 440                               | 3. The authorised representative shall perform the tasks specified in the mandate. The mandate shall allow the authorised representative to carry out at least the following                                                                                                                   | 3. The authorised representative shall perform the tasks specified in the mandate. The mandate shall allow the authorised representative to carry out at least the following                                                                                                                              | 3. The authorised representative shall perform the tasks specified in the mandate <u>received from the manufacturer</u> . The mandate shall allow the authorised representative |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                                              | tasks and shall give the authorised representative the following rights:                                                                                                                                                                                      | tasks and shall give the authorised representative the following rights:                                                                                                                                                                                      | to <del>carry out</del> <u>do</u> at least the following <del>tasks and shall give the authorised representative the following rights:</del>                                                                                                                                           |                 |
| Article 23(3), first subparagraph, point (a) |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                        |                 |
| 441                                          | (a) keep the declaration of performance and the technical documentation at the disposal of national market surveillance authorities;                                                                                                                          | (a) keep the declaration of performance and the technical documentation at the disposal of national market surveillance authorities;                                                                                                                          | (a) keep the declaration of performance and the technical documentation at the disposal of national market surveillance authorities;                                                                                                                                                   |                 |
| Article 23(3), first subparagraph, point (b) |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                        |                 |
| 442                                          | (b) provide the market surveillance authorities with all the information and documentation necessary to demonstrate the conformity of the product with the declaration of performance and compliance with other applicable requirements in this Regulation at | (b) provide the market surveillance authorities with all the information and documentation necessary to demonstrate the conformity of the product with the declaration of performance and compliance with other applicable requirements in this Regulation at | (b) <del>provide the market surveillance authorities</del> <u>further to a reasoned request from a competent national authority, provide that authority</u> with all the information and documentation necessary to demonstrate the conformity of <del>the</del> <u>a</u> product with |                 |



|                                              | Commission Proposal                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                              | their reasoned request;                                                                                                                                                                                                                                             | their reasoned request;                                                                                                                                                                                                                                                                                                                                                                                                    | <del>the declaration of its</del> <u>declared</u> performance and compliance with other applicable requirements in this Regulation <del>at their reasoned request</del> ;                                                                                                                                                                                                  |                 |
| Article 23(3), first subparagraph, point (c) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 443                                          | (c) terminate the contract where the manufacturer infringes this Regulation and inform thereof the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business; | (c) terminate the contract <del>where</del> <u>if</u> <del>it considers that</del> the manufacturer <del>infringes</del> <u>has acted contrary to its obligations under</u> this Regulation and inform thereof <del>the</del> <u>manufacturer and</u> the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business; | (c) terminate the <del>contract where</del> <u>mandate if</u> the manufacturer <del>infringes this Regulation and inform thereof the competent national authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business</del> <u>acts contrary to its obligations under this Regulation</u> ; |                 |
| Article 23(3), first subparagraph, point (d) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 444                                          | (d) when having reason to believe                                                                                                                                                                                                                                   | (d) when having reason to believe                                                                                                                                                                                                                                                                                                                                                                                          | (d) <u>inform competent national</u>                                                                                                                                                                                                                                                                                                                                       |                 |

|                                                            | Commission Proposal                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                                            | that a product in question is non-compliant or presents a risk, inform the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and | that a product in question is non-compliant or presents a risk, inform the <u>manufacturer and the</u> national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof; and | <u>authorities</u> when having reason to believe that a product <del>in question</del> <u>covered by the mandate</u> is non-compliant or presents a risk; <del>inform the national competent authorities of the Member States where the product is placed on the market and the national competent authority of his own place of business thereof;</del> and |                 |
| Article 23(3), first subparagraph, point (e)               |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                              |                 |
| 445                                                        | (e) cooperate with the market surveillance authorities, at their request, on any action taken                                                                                                                                                           | (e) cooperate with the market surveillance authorities, at their request, on any action taken                                                                                                                                                                                       | (e) cooperate with the <del>market surveillance</del> <u>competent national</u> authorities, at their request, on any action taken <u>to eliminate risks posed by and to remedy non-conformities in products covered by the mandate of the authorised representative.</u>                                                                                    |                 |
| Article 23(3), first subparagraph, point (e), first indent |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                              |                 |
| 446                                                        |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                                             | Commission Proposal                                                                                | EP Mandate                                                                                         | Council Mandate                     | Draft Agreement |
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|                                                             | - to eliminate risks posed by products covered by the mandate of the authorised representative; or | - to eliminate risks posed by products covered by the mandate of the authorised representative; or | deleted<br><br>merged into row 445. |                 |
| Article 23(3), first subparagraph, point (e), second indent |                                                                                                    |                                                                                                    |                                     |                 |
| 447                                                         | - to remedy non-conformities.                                                                      | - to remedy non-conformities.                                                                      | deleted<br><br>merged into row 445. |                 |
| Article 23(3), second subparagraph                          |                                                                                                    |                                                                                                    |                                     |                 |
| 448                                                         | The drawing up of technical documentation shall not form part of the authorised representative's   | The drawing up of technical documentation shall not form part of the authorised representative's   | deleted                             |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                      | mandate, but may become subject to a separate contract between the manufacturer and the authorised representative.                                                                                                                                                                                                                                                                                                                                               | mandate, but may become subject to a separate contract between the manufacturer and the authorised representative.                                                                                                                                                                                                                                                                                                                                               |                 |                 |
| <i>Article 23(4)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 449                  | 4. The authorised representative shall verify the compliance of the product with requirements regarding marking, labelling, instructions for use, declaration of performance and conformity. The authorised representative shall also verify at a documentary level that the manufacturer satisfies his obligations set out in Article 19(4) to (6), Article 21(1) to (3) and (5) to (7), Article 22(1) and Article 22(2) points (f) and (i), and Article 27(6). | 4. The authorised representative shall verify the compliance of the product with requirements regarding marking, labelling, instructions for use, declaration of performance and conformity. The authorised representative shall also verify at a documentary level that the manufacturer satisfies his obligations set out in Article 19(4) to (6), Article 21(1) to (3) and (5) to (7), Article 22(1) and Article 22(2) points (f) and (i), and Article 27(6). | <i>deleted</i>  |                 |
| <i>Article 23(5)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 450                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate       | Draft Agreement |
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|  | <p>5. Where an authorised representative considers that there is a non-compliance mentioned in the paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the authorised representative regards the infringements as remedied. Where the non-compliances are not remedied within one month whilst products possibly continue to be made available on the market, the authorised representative shall be allowed to terminate his contract with the manufacturer and thereof inform the national competent authorities of the Member States where the products are placed on the market and the national competent authority of his own place of business. The latter shall coordinate joint actions of all competent authorities, unless the national competent authorities agree on another national competent authority to coordinate.</p> | <p>5. Where an authorised representative <del>considers that there</del> <u>is identifies</u> a non-compliance mentioned in <del>the</del> paragraph 4, the authorised representative shall ask the manufacturer to remedy the non-compliances. The manufacturer shall thereon stop the placing on the market and ask other economic operators involved in the distribution to stop their commercial activities, until the <del>authorised representative regards the infringements as remedied.</del> <del>Where the non-compliances are</del> <u>not non-compliance is</u> remedied <del>within one month whilst products possibly continue to be made available on the market, the authorised representative shall be allowed to terminate his contract with the manufacturer and thereof inform the national competent authorities of the Member States where the products are placed on the market and the national competent authority of his own place of business. The latter shall coordinate joint actions of all competent authorities, unless the national competent authorities agree on another national</del></p> | <p><i>deleted</i></p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <del>competent authority to coordinate.</del>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 24    |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 451           | Article 24<br>Obligations of importers                                                                                                                                                                                                                                                                                                                                                                                                                   | Article 24<br>Obligations of importers                                                                                                                                                                                                                                                                                                                                                                                                                   | Article 24<br>Obligations of importers                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 24(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 452           | 1. The importer shall place on the Union market only products which are compliant with this Regulation. Before placing a product on the market, the importer shall verify at a documentary level that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and in Article 22(2), points (f) and (i). It shall be liable for infringement of this Article and of Article 19 in accordance with national law on | 1. The importer shall place on the Union market only products which are compliant with this Regulation. Before placing a product on the market, the importer shall verify at a documentary level that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and in Article 22(2), points (f) and (i). It shall be liable for infringement of this Article and of Article 19 in accordance with national law on | 1. The importer shall place on the Union market only products which are compliant with this Regulation.<br><del>Before placing a product on the market, the importer shall verify at a documentary level that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and in Article 22(2), points (f) and (i). It shall be liable for infringement of this Article and of Article 19 in accordance with national law on</del> |                 |

|                | Commission Proposal                          | EP Mandate                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                | contractual and extra-contractual liability. | contractual and extra-contractual liability. | <del>contractual and extra-contractual liability.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 24(1a) |                                              |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 452a           |                                              |                                              | <u>1a. Before placing a product on the market, the importer shall ensure that the product's compliance with applicable requirements and its performance in relation to relevant essential characteristics have been demonstrated by the manufacturer in accordance with Article 21(1) and (1a). It shall ensure that the manufacturer has drawn up the technical documentation referred to in Article 21(3), and that the product bears the CE marking, where required, and that the manufacturer has complied with the requirements set out in Article 21(5)</u> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 24(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 453           | <p>2. The importer shall verify that the intended use of the product has been precisely and correctly determined by the manufacturer and shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part D in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.</p> | <p>2. The importer shall <del>verify that the intended use of the product has been precisely and correctly determined by the manufacturer</del> and shall ensure that the product is accompanied by a clear indication of the information set out in harmonised technical specifications and in Annex I Part <del>D</del><u>C3</u> in a language determined by the Member State concerned which can be easily understood by users. The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.</p> | <p>2. The importer shall verify that the <del>intended</del> use of the product has <del>been precisely and correctly determined</del> <u>declared</u> by the manufacturer and shall ensure that the product is accompanied by <del>a clear indication of the</del> <u>general information, instructions for use and safety information in accordance with Article 21(6)</u> <del>-set out in harmonised technical specifications and in Annex I Part D</del> in a language determined by the Member State concerned which can be easily understood by users. <del>The importer shall, in a visible manner, display to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications.</del></p> |                 |
| Article 24(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement |
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| 454           | 3. The importer shall ensure that, while a product is under its responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.                                                                                                                                                                                                     | 3. The importer shall ensure that, while a product is under its responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.                                                                                                                                                                                                                                                                                  | 3. The importer shall ensure that, while a product is under its responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and <u>conformity or its</u> compliance with other applicable requirements in this Regulation. |                 |
| Article 24(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                     |                 |
| 455           | 4. After having assembled all available product information from the manufacturer and the de-installer, the importer shall in particular scrutinise used and remanufactured products, namely with regard to damages or indications for loss of performance or non-compliance and changed mechanical or chemical properties, and assess all risks; when necessary to ensure safety or the protection of the environment, the importer shall reduce the intended | 4. <u>The importer shall</u> , after having assembled all available product information from the manufacturer and the de-installer, <del>the importer shall in particular</del> scrutinise used and remanufactured products; <del>namely</del> with regard to damages or indications for loss of performance or non-compliance <del>and changed mechanical or chemical properties, and assess</del> , <u>while assessing</u> all risks; <del>when necessary to ensure safety or the protection of the environment, the importer shall</del> | <i>deleted</i>                                                                                                                                                                                                                                                                      |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|               | use or refrain from selling. This obligation shall also apply to used and remanufactured products for which no declaration of performance is mandatory.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <del>reduce the intended use or refrain from selling. This obligation shall also apply to used and remanufactured products for which no declaration of performance is mandatory.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| Article 24(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 456           | 5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the geographically responsible national | 5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. <del>Furthermore, where</del> <u>In the event that</u> the product <del>presents a risk, the importer</del> <u>has already been placed on the market, it</u> shall <del>inform the manufacturer and the</del> | 5. Where an importer considers or has reason to believe that the product is not in conformity with the declaration of performance <u>and conformity</u> or not in compliance with other applicable requirements in this Regulation, the importer shall not place the product on the market until it conforms to the accompanying declaration of performance and <u>conformity and</u> it complies with the other applicable requirements in this Regulation or until the declaration of performance <u>and conformity</u> is corrected. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               | competent authority thereof.                                                                                                                                                                                                                                                                           | <del>geographically responsible national competent authority thereof</del> <u>take the necessary corrective measures to bring that product into conformity, or, where appropriate, to withdraw or recall it.</u>                                                                                       | <del>geographically</del> responsible national competent authority <u>market surveillance authorities</u> thereof.                                                                                                                                                                                     |                 |
| Article 24(6) |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                        |                 |
| 457           | 6. The importer shall indicate its name, registered trade name or registered trade mark, its place of business, its contact address and, where available, electronic means of communication on the product or, where that is not possible, on its packaging or in a document accompanying the product. | 6. The importer shall indicate its name, registered trade name or registered trade mark, its place of business, its contact address and, where available, electronic means of communication on the product or, where that is not possible, on its packaging or in a document accompanying the product. | 6. The importer shall indicate its name, registered trade name or registered trade mark, its place of business, its contact address and, where available, electronic means of communication on the product or, where that is not possible, on its packaging or in a document accompanying the product. |                 |
| Article 24(7) |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                        |                 |
| 458           | 7. The importer shall investigate                                                                                                                                                                                                                                                                      | 7. The importer shall investigate                                                                                                                                                                                                                                                                      | 7. The importer shall investigate                                                                                                                                                                                                                                                                      |                 |

|                | Commission Proposal                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                | complaints, and, if necessary, keep a register of complaints, of non-conforming products and of product withdrawals or recalls, and shall keep manufacturers and distributors informed of any such monitoring. | complaints, and, if necessary, keep a register of complaints, of non-conforming products and of product withdrawals or recalls, and shall keep manufacturers and distributors informed of any such monitoring. | complaints, and, if necessary, keep a register of complaints, of non-conforming products and of product withdrawals or recalls, and shall keep manufacturers and distributors informed of any such monitoring.                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 24(7a) |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 458a           |                                                                                                                                                                                                                |                                                                                                                                                                                                                | <p><u>7a. Importers who consider or have reason to believe that a product, which they have placed on the market, is not in conformity with its declared performance or not in compliance with other applicable requirements in this Regulation shall immediately take the necessary corrective measures to bring that product into conformity, or, if appropriate, to withdraw or recall it.</u></p> <p><u>Furthermore, where the product poses a risk, importers shall immediately inform the competent national authorities of the Member States in which they</u></p> |                 |

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|               |                                                                                                     |                                                                                                     | <u><i>made the product available on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.</i></u> |                 |
| Article 24(8) |                                                                                                     |                                                                                                     |                                                                                                                                                                   |                 |
| 459           | 8. The importer selling to final users shall also fulfil the obligations incumbent on distributors. | 8. The importer selling to final users shall also fulfil the obligations incumbent on distributors. | <i>deleted</i>                                                                                                                                                    |                 |
| Article 25    |                                                                                                     |                                                                                                     |                                                                                                                                                                   |                 |
| 460           | Article 25<br>Obligations of distributors                                                           | Article 25<br>Obligations of distributors                                                           | Article 25<br>Obligations of distributors                                                                                                                         |                 |
| Article 25(1) |                                                                                                     |                                                                                                     |                                                                                                                                                                   |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| 461           | 1. When making a product available on the market, the distributor shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability. | 1. When making a product available on the market, the distributor shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.                                                                                           | 1. When making a product available on the market, the distributor shall act with due care in relation to the <del>obligations</del> <u>requirements</u> of this Regulation. <del># shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.</del> |                 |
| Article 25(2) |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                             |                 |
| 462           | 2. When making a product available on the market, the distributor shall fulfil the obligations incumbent on importers in accordance with Article 24(1) to (5) whilst references to “placing on the market” shall be understood as “further making available on the market”.                        | 2. When making a product available on the market, <u>distributors shall verify at a documentary level that the manufacturer and the importer have complied with the requirements set out in Article 21(1), (5) and (6) and, where applicable, in Article 22(2), points (f) and (i) and</u> <del>the distributor</del> shall fulfil the obligations incumbent on importers in accordance with | 2. <del>When</del> <u>Before</u> making a product available on the market, the distributor shall <del>fulfil the obligations incumbent on importers in accordance with Article 24(1) to (5) whilst references to “placing on the market” shall be understood as “further making available on the market”.</del> <u>verify that:</u>         |                 |

|                          | Commission Proposal | EP Mandate                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                          |                     | Article <del>24(1)</del> <u>24(3)</u> to (5) whilst references to "placing on the market" shall be understood as "further making available on the market". |                                                                                                                                                                                                                                                                                          |                 |
| Article 25(2), point (a) |                     |                                                                                                                                                            |                                                                                                                                                                                                                                                                                          |                 |
| 462a                     |                     |                                                                                                                                                            | <u>(a) the product bears the CE marking, where required;</u>                                                                                                                                                                                                                             |                 |
| Article 25(2), point (b) |                     |                                                                                                                                                            |                                                                                                                                                                                                                                                                                          |                 |
| 462b                     |                     |                                                                                                                                                            | <u>(b) the product is accompanied by the general information, instructions for use and safety information in accordance with Article 21(6) in a language which can be easily understood by end-users in the Member State in which the product is to be made available on the market;</u> |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                         | EP Mandate     | Council Mandate                                                                                                                           | Draft Agreement |
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| Article 25(2), point (c) |                                                                                                                                                                                                                                                                                             |                |                                                                                                                                           |                 |
| 462c                     |                                                                                                                                                                                                                                                                                             |                | <u>(c) the manufacturer and the importer have complied with the requirements set out in Article 21(5) and Article 24(6) respectively.</u> |                 |
| Article 25(3)            |                                                                                                                                                                                                                                                                                             |                |                                                                                                                                           |                 |
| 463                      | 3. The distributor shall ensure that no products are sold to consumers or other non-professional users which are labelled “for professional use only”. These products shall, in their premises, online and on paper publicity material, be presented as products for professional use only. | <i>deleted</i> | <i>deleted</i>                                                                                                                            |                 |



|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Article 25(4) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 463a          |                     |            | <p><u>4. Where an distributor considers or has reason to believe that the product is not in conformity with its declared performance or not in compliance with other applicable requirements in this Regulation, the distributor shall not make the product available on the market until it conforms to its accompanying declaration of performance and conformity and it complies with the other applicable requirements in this Regulation. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer and the responsible market surveillance authorities thereof.</u></p> |                 |
| Article 25(5) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 463b          |                     |            | <p><u>5. The distributor shall ensure</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

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|               |                     |            | <u>that, while a product is under its responsibility, storage or transport conditions do not jeopardise the product's conformity with its declared performance or its compliance with other applicable requirements in this Regulation.</u>                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 25(6) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 463c          |                     |            | <u>6. The distributor who consider or have reason to believe that a product, which they have made available on the market, is not in conformity with its declared performance or not in compliance with other applicable requirements in this Regulation shall make sure that the necessary corrective measures to bring that product into conformity, to withdraw or to recall it, if appropriate, are taken. Furthermore, where the product poses a risk, the distributor shall immediately inform the competent national authorities of the Member States in which they have</u> |                 |

|               | Commission Proposal                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                     | Draft Agreement |
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|               |                                                                                                                                                                                                       |                                                                                                                                                                                                       | <u><i>made the product available on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.</i></u>                                                                   |                 |
| Article 26    |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                                                     |                 |
| 464           | Article 26<br><br>Cases in which obligations of manufacturers apply to importers and distributors                                                                                                     | Article 26<br><br>Cases in which obligations of manufacturers apply to importers and distributors                                                                                                     | Article 26<br><br>Cases in which obligations of manufacturers apply to importers and distributors                                                                                                                                   |                 |
| Article 26(1) |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                                                     |                 |
| 465           | 1. An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to Articles 21 and 22, where: | 1. An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to Articles 21 and 22, where: | 1. An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to <del>Articles 21 and 22</del> <u>Article 21</u> , where: |                 |

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|                          |                                                                                                                           |                                                                                                                                            |                                                                                                                                      |                 |
| Article 26(1), point (a) |                                                                                                                           |                                                                                                                                            |                                                                                                                                      |                 |
| 466                      | (a) there is no manufacturer in the meaning of this Regulation;                                                           | <i>deleted</i>                                                                                                                             | <i>deleted</i>                                                                                                                       |                 |
| Article 26(1), point (b) |                                                                                                                           |                                                                                                                                            |                                                                                                                                      |                 |
| 467                      | (b) it places a product on the market as manufacturer under its name or trademark;                                        | (b) it places a product on the market as manufacturer under its name or trademark;                                                         | (b) it places a product on the market <del>as manufacturer</del> under its name or trademark;                                        |                 |
| Article 26(1), point (c) |                                                                                                                           |                                                                                                                                            |                                                                                                                                      |                 |
| 468                      | (c) it modifies a product in such a way that compliance with the declaration of performance and of conformity or with the | (c) it <u>stores or</u> modifies a product in such a way that compliance with the declaration of performance and of conformity or with the | (c) it modifies a product in such a way that compliance with the declaration of performance and <del>of</del> conformity or with the |                 |

|                          | Commission Proposal                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                             | Draft Agreement |
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|                          | requirements set out in and in accordance with this Regulation may be affected;                                                                                                                       | requirements set out in and in accordance with this Regulation may be affected;                                                                                                                       | requirements set out in and in accordance with this Regulation may be affected;                                                                                                                                                                             |                 |
| Article 26(1), point (d) |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                                                                             |                 |
| 469                      | (d) it treats a product in a way that changes the hazards or increases the level of risk caused by it during its life-cycle;                                                                          | (d) it treats a product in a way that changes the hazards or increases the level of risk caused by it during its life-cycle;                                                                          | <i>deleted</i>                                                                                                                                                                                                                                              |                 |
| Article 26(1), point (e) |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                                                                                                                                                                                                                                                             |                 |
| 470                      | (e) it makes a product available on the market with an intended use that is different from the intended use attributed by the manufacturer in the performance and conformity assessment procedure; or | (e) it makes a product available on the market with an intended use that is different from the intended use attributed by the manufacturer in the performance and conformity assessment procedure; or | (e) it makes a product available on the market with an <del>intended</del> <u>declared</u> use that is different from the <del>intended</del> <u>declared</u> use attributed by the manufacturer in the performance and conformity assessment procedure; or |                 |

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| Article 26(1), point (f)  |                                                                                                      |                                                                                                                                                                                                     |                                                                                                      |                 |
| 471                       | (f) it claims for it characteristics deviating from the characteristics claimed by the manufacturer. | (f) it claims for it characteristics deviating from the characteristics <del>claimed</del> <u>declared</u> by the manufacturer.                                                                     | (f) it claims for it characteristics deviating from the characteristics claimed by the manufacturer. |                 |
| Article 26(1), point (fa) |                                                                                                      |                                                                                                                                                                                                     |                                                                                                      |                 |
| 471a                      |                                                                                                      | <u>(fa) it has subjected an imported or distributed, used or remanufactured product to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed;</u> |                                                                                                      |                 |
| Article 26(1), point (fb) |                                                                                                      |                                                                                                                                                                                                     |                                                                                                      |                 |
| 471b                      |                                                                                                      | <u>(fb) it opts to assume the role of</u>                                                                                                                                                           |                                                                                                      |                 |

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|                           |                     | <u>the manufacturer.</u>                                                                                                            |                                                                                                                                                                                             |                 |
| Article 26(1), point (fc) |                     |                                                                                                                                     |                                                                                                                                                                                             |                 |
| 471c                      |                     | <u>(fc) it imports a used or remanufactured product, unless this product has been placed on the Union market before being used;</u> |                                                                                                                                                                                             |                 |
| Article 26(1a)            |                     |                                                                                                                                     |                                                                                                                                                                                             |                 |
| 471d                      |                     |                                                                                                                                     | <u>1a. Paragraph 1 shall apply to economic operators who place a used product on the market which is covered by a harmonised technical specification with provisions for used products.</u> |                 |
| Article 26(2)             |                     |                                                                                                                                     |                                                                                                                                                                                             |                 |

|                          | Commission Proposal                                                                                                                                   | EP Mandate     | Council Mandate                                                                                                                                                                                                          | Draft Agreement |
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| 472                      | 2. Paragraph 1 shall also apply to:                                                                                                                   | <i>deleted</i> | 2. Paragraph 1 shall also apply to:                                                                                                                                                                                      |                 |
| Article 26(2), point (a) |                                                                                                                                                       |                |                                                                                                                                                                                                                          |                 |
| 473                      | (a) an importer of used or remanufactured products, unless the used or remanufactured product have been placed on the Union market before being used; | <i>deleted</i> | (a) an importer of used <u>products not covered by paragraph 1a</u> <del>or remanufactured products</del> , unless the used <del>or remanufactured</del> product have been placed on the Union market before being used; |                 |
| Article 26(2), point (b) |                                                                                                                                                       |                |                                                                                                                                                                                                                          |                 |
| 474                      | (b) an importer or distributor of used products who does either of the following:                                                                     | <i>deleted</i> | (b) an importer or distributor of used products <u>not covered by paragraph 1a</u> who does either of the following:                                                                                                     |                 |



|                              | Commission Proposal                                                                                                                          | EP Mandate     | Council Mandate                                                                                                                                                                                                             | Draft Agreement |
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| Article 26(2), point (b)(i)  |                                                                                                                                              |                |                                                                                                                                                                                                                             |                 |
| 475                          | (i) subjects those used products to a transformative process going beyond repair, cleaning and regular maintenance after being de-installed; | <i>deleted</i> | (i) subjects those used products to a transformative process going beyond <del>repair</del> <u>checking</u> , cleaning and <u>repairing recovery operations</u><br><del>regular maintenance</del> after being de-installed; |                 |
| Article 26(2), point (b)(ii) |                                                                                                                                              |                |                                                                                                                                                                                                                             |                 |
| 476                          | (ii) opts for assuming the role of the manufacturer.                                                                                         | <i>deleted</i> | (ii) opts for assuming the role of the manufacturer.                                                                                                                                                                        |                 |
| Article 26(3)                |                                                                                                                                              |                |                                                                                                                                                                                                                             |                 |
| 477                          | 3. Paragraph 1 shall not apply                                                                                                               |                | 3. Paragraph 1 shall not apply                                                                                                                                                                                              |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                            | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                          | where the economic operator only:                                                                                                                                                                                                                                                                                                              | <i>deleted</i> | where the economic operator only:                                                                                                                                                                                                                                                                                                              |                 |
| Article 26(3), point (a) |                                                                                                                                                                                                                                                                                                                                                |                |                                                                                                                                                                                                                                                                                                                                                |                 |
| 478                      | (a) adds translations of the information supplied by the manufacturer;                                                                                                                                                                                                                                                                         | <i>deleted</i> | (a) adds translations of the information supplied by the manufacturer;                                                                                                                                                                                                                                                                         |                 |
| Article 26(3), point (b) |                                                                                                                                                                                                                                                                                                                                                |                |                                                                                                                                                                                                                                                                                                                                                |                 |
| 479                      | (b) replaces the outer packaging of a product already placed on the market, including when changing the pack size, if the repackaging is carried out in such a way that the original condition of the product cannot be affected by it and that the information to be provided in accordance with this Regulation is still correctly provided. | <i>deleted</i> | (b) replaces the outer packaging of a product already placed on the market, including when changing the pack size, if the repackaging is carried out in such a way that the original condition of the product cannot be affected by it and that the information to be provided in accordance with this Regulation is still correctly provided. |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Article 26(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 480           | <p>4. An economic operator providing the activities listed in paragraph 3 shall inform thereof the manufacturer or its authorised representative, regardless of whether they own the products or whether they provide services. It shall carry out the repackaging in such a way that the original condition of the product cannot be affected by the repackaging and that the information to be provided in accordance with this Regulation is still correctly provided. The economic operator shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Regulation.</p> | <p><i>deleted</i></p> | <p>4. An economic operator providing the activities listed in paragraph 3 shall inform thereof the manufacturer or its authorised representative, regardless of whether they own the products or whether they provide services. It shall carry out the repackaging in such a way that the original condition of the product <del>cannot</del> <u>be or its compliance with this Regulation is not</u> affected by the repackaging and that the information to be provided in accordance with this Regulation is still correctly provided. The economic operator shall act with due care in relation to the obligations of this Regulation. <del>It shall be liable for infringement of this Regulation.</del></p> |                 |
| Article 27    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                      | Draft Agreement |
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| 481           | <p>Article 27</p> <p>Obligation of fulfilment service providers, brokers, online market places, online sellers, online shops and online search engines</p>                                                                                                                                                                                                                    | <p>Article 27</p> <p>Obligation of fulfilment service providers, brokers, online market places, <del>online sellers, online shops</del> and online <del>search engines</del> <u>sellers</u></p>                                                                                                                                                                                          | <p>Article 27</p> <p>Obligation of fulfilment service providers, <del>brokers, and</del> online market places, <del>online sellers, online shops and online search engines</del></p> |                 |
| Article 27(1) |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                      |                 |
| 482           | <p>1. When contributing to the making available on the market or direct installation of a product, fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.</p> | <p>1. When contributing to the making available on the market <del>or direct installation</del> of a product, fulfilment service provider or broker shall act with due care in relation to the obligations of this Regulation. It shall be liable for infringement of this Article and of Article 19 in accordance with national law on contractual and extra-contractual liability.</p> | <p><i>deleted</i></p>                                                                                                                                                                |                 |
| Article 27(2) |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                      |                 |

|                          | Commission Proposal                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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| 483                      | 2. A fulfilment service provider, online seller or broker shall:                                                                                                                                                                             | 2. A fulfilment service provider, online seller or broker shall:                                                                                                                                                                             | <i>deleted</i>  |                 |
| Article 27(2), point (a) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                 |                 |
| 484                      | (a) display, in a visible manner, to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications; | (a) display, in a visible manner, to customers before they are bound by a sales contract, including in case of distance selling, the information which shall be labelled pursuant to this Regulation or harmonised technical specifications; | <i>deleted</i>  |                 |
| Article 27(2), point (b) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                 |                 |
| 485                      | (b) verify that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and Article 22(2), points (f)                                                                                                | (b) verify <u>at a documentary level</u> that the manufacturer has complied with the obligations set out in Article 21(1), (3) and (5) to (7) and                                                                                            | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate | Draft Agreement |
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|                                 | and (i);                                                                                                                                                                                                                                  | Article 22(2), points (f) and (i);                                                                                                                                                                                                                                                                                                                                                   |                 |                 |
| <i>Article 27(2), point (c)</i> |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 486                             | (c) fulfil the obligations laid down in Article 24(5), whilst references to “placing on the market” shall be understood as “supporting the making available on the market”;                                                               | (c) fulfil the obligations laid down in Article 24(5), whilst references to “placing on the market” shall be understood as “supporting the making available on the market”;                                                                                                                                                                                                          | <i>deleted</i>  |                 |
| <i>Article 27(2), point (d)</i> |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 487                             | (d) eliminate all offers for products which are non-compliant or likely to be risky in the meaning of Article 21(9) last sentence on their own initiative or, within two working days, on request of the market surveillance authorities; | (d) <del>eliminate all offers for</del> <u>at the request of the market surveillance authorities, cease to offer</u> products which are non-compliant or <del>likely to be risky in</del> <u>present a risk within</u> the meaning of Article 21(9) <del>last sentence on their own initiative or, within two working days, on request of the market surveillance authorities;</del> | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate | Draft Agreement |
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| <i>Article 27(2), point (e)</i> |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 488                             | (e) inform concerned authorities on the measures taken in accordance with points (b), (c) and (d);                                                                                                                                                                                                                                                                                                   | (e) inform concerned authorities on the measures taken in accordance with points (b), (c) and (d);                                                                                                                                                                                                                                                                                                   | <i>deleted</i>  |                 |
| <i>Article 27(2), point (f)</i> |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 489                             | (f) support product withdrawals or recalls, regardless of whether initiated by authorities, the manufacturer, the authorised representative or the importer. In cooperation with the economic operator concerned, the fulfilment service provider or broker shall inform consumers directly of product withdrawals or recalls. It shall keep the concerned authorities informed of any action taken. | (f) support product withdrawals or recalls, regardless of whether initiated by authorities, the manufacturer, the authorised representative or the importer. In cooperation with the economic operator concerned, the fulfilment service provider or broker shall inform consumers directly of product withdrawals or recalls. It shall keep the concerned authorities informed of any action taken. | <i>deleted</i>  |                 |

|                          | Commission Proposal                                                                                                                                                                               | EP Mandate                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                          |                                                                                                                                                                                                   |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 27(3)            |                                                                                                                                                                                                   |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 490                      | 3. An online marketplace shall:                                                                                                                                                                   | 3. An online marketplace shall:                                                                                                                                                                   | 3. An online marketplace shall:                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 27(3), point (a) |                                                                                                                                                                                                   |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 491                      | (a) design and organise its online interface in such a way that it allows third party traders to provide to the customers of these traders any information referred to in paragraph 2, point (a); | (a) design and organise its online interface in such a way that it allows third party traders to provide to the customers of these traders any information referred to in paragraph 2, point (a); | (a) <u>for the purpose of the requirements of Article 31(1) of Regulation (EU) 2022/2065,</u> design and organise its online interface in such a way that it allows <del>third-party traders to provide to the customers of these traders any information referred to in paragraph 2, point (a)</del> <u>economic operators to fulfil their obligations under Article 32(1a) of this Regulation</u> ; |                 |
| Article 27(3), point (b) |                                                                                                                                                                                                   |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                       |                 |



|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| 492                      | (b) establish a single contact point for direct communication with Member States' authorities in relation to non-compliant, under-performing or unsafe product. This contact point may be the same as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or [Article 10(1)] of Regulation (EU) .../... [the Digital Services Act]; | (b) establish a single contact point for direct communication with Member States' authorities in relation to non-compliant, under-performing or unsafe product. This contact point may be the same as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or [Article 10(1)] of Regulation (EU) .../... [the Digital Services Act]; | (b) establish a single contact point for direct communication with Member States' authorities in relation to <del>non-compliant, under-performing or unsafe product</del> <u>compliance with this Regulation</u> . This contact point may be the same as the one referred to in [Article 20(1)] of Regulation (EU) <del>.../...</del> <u>2023/988</u> [the General Product Safety Regulation] or <del>[Article 10(1)]</del> <u>11(1)</u> of Regulation (EU) <del>.../...</del> <u>2022/2065</u> [the Digital Services Act]; |                 |
| Article 27(3), point (c) |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 493                      | (c) give an appropriate answer without undue delay, and in any event within five working days, in the Member State where the online marketplace operates, to notices related to notification of accidents and other incidents with products received in accordance with                                                                                                                   | (c) give an appropriate answer <del>without undue delay, and in any event within five working days, in the Member State where the online marketplace operates</del> , to notices related to notification of accidents and other incidents with products received in accordance with                                                                                                       | deleted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|                          | Commission Proposal                                                                                                                        | EP Mandate                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                          | [Article 14] of Regulation (EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC; | [Article 14] of Regulation (EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC; |                                                                                                                                                                                                                                                                                 |                 |
| Article 27(3a)           |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                 |                 |
| 493a                     |                                                                                                                                            |                                                                                                                                            | <u>3a. The cooperation between information society service providers and market surveillance authorities referred to in Article 7(2) of Regulation (EU) 2019/1020 shall, with regard to online marketplaces and for the purposes of this Regulation, include in particular:</u> |                 |
| Article 27(3), point (d) |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                 |                 |
| 494                      | (d) cooperate to ensure effective market surveillance measures, including by abstaining from                                               | (d) cooperate to ensure effective market surveillance measures, including by abstaining from                                               | (d) <del>cooperate</del> cooperation to ensure effective market surveillance measures, including                                                                                                                                                                                |                 |

|                          | Commission Proposal                                                                                                                                  | EP Mandate                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                          | putting in place obstacles to such measures;                                                                                                         | putting in place obstacles to such measures;                                                                                                         | by abstaining from putting in place obstacles to such measures;                                                                                                                                                                                                                                                            |                 |
| Article 27(3), point (e) |                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                            |                 |
| 495                      | (e) inform the market surveillance authorities of any action taken;                                                                                  | (e) inform the market surveillance authorities of any action taken;                                                                                  | (e) <del>inform</del> <u>information to</u> the market surveillance authorities of any action taken <u>with regard to non-compliance or suspected non-compliance concerning products covered by this Regulation</u> ;                                                                                                      |                 |
| Article 27(3), point (f) |                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                            |                 |
| 496                      | (f) establish a regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces; | (f) establish a regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces; | (f) <del>establish</del> <u>the establishment of</u> a regular and structured exchange of information on <del>offers that have</del> <u>content that has</u> been removed <u>by online marketplaces</u> on the <del>basis of this Article by online marketplaces</del> <u>request of market surveillance authorities</u> ; |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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| Article 27(3), point (g) |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 497                      | (g) allow online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;                                                                                                                                                                                                                                              | (g) allow online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;                                                                                                                                                                                                                                              | <i>deleted</i>  |                 |
| Article 27(3), point (h) |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 498                      | (h) upon request of the market surveillance authorities, when the online marketplace or its online sellers have put in place technical obstacles to the extraction of data from their online interfaces, allow those authorities to scrape such data for product compliance purposes based on the identification parameters provided by the requesting market surveillance authorities. | (h) upon request of the market surveillance authorities, when the online marketplace or its online sellers have put in place technical obstacles to the extraction of data from their online interfaces, allow those authorities to scrape such data for product compliance purposes based on the identification parameters provided by the requesting market surveillance authorities. | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate | Draft Agreement |
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| Article 27(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 499           | 4. As far as powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to order an online marketplace to remove specific illegal content referring to a non-compliant product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act]. | 4. As far as powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to order an online marketplace to remove specific illegal content referring to a non-compliant product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act]. | <i>deleted</i>  |                 |
| Article 27(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 500           | 5. An online marketplace shall                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5. An online marketplace shall                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|                      | take the necessary measures to receive and process in accordance with [Article 8] of Regulation (EU) .../...[the Digital Services Act] the orders referred to in paragraph 4.                                                                                   | take the necessary measures to receive and process in accordance with [Article 8] of Regulation (EU) .../...[the Digital Services Act] the orders referred to in paragraph 4.                                                                                                | <i>deleted</i>  |                 |
| <i>Article 27(6)</i> |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                              |                 |                 |
| 501                  | 6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace (“online shops”). | 6. The paragraphs 1 and 2, paragraph 3, points (b) to (i) and paragraphs 4 and 5 shall also apply to manufacturers, importers, distributors or other economic operators offering products online without involvement of an online marketplace ( <del>“online shops”</del> ). | <i>deleted</i>  |                 |
| <i>Article 27(7)</i> |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                              |                 |                 |
| 502                  | 7. The paragraph 3, points (d) to (h) shall also apply to online search engines.                                                                                                                                                                                | <i>deleted</i>                                                                                                                                                                                                                                                               | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 27(8) |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                          |                 |
| 503           | 8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in this Regulation. | 8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in this Regulation. <u>The manufacturer or importer of construction products shall provide the fulfilment service providers with the detailed information necessary for ensuring the safe storage, packaging, addressing or dispatch and further functioning of the product.</u> | 8. A fulfilment service provider shall ensure that the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' <del>compliance with the requirements set out</del> <u>conformity with its declared performance or its compliance with other applicable requirements</u> in this Regulation. |                 |
| Article 28    |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                          |                 |
| 504           | Article 28                                                                                                                                                                                                               | Article 28                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <del>Article 28</del>                                                                                                                                                                                                                                                                                                                    |                 |

|                          | Commission Proposal                                                                                                                               | EP Mandate                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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|                          | Obligations of 3D-printing service providers and of providers of moulds, of 3D-printing datasets, and of 3D-printing materials                    | Obligations <del>of 3D-printing service providers and of providers of moulds, of</del> <u>in relation to</u> 3D-printing <del>datasets, and of 3D-printing materials</del> <u>of construction products</u>                               | deleted         |                 |
| Article 28(1)            |                                                                                                                                                   |                                                                                                                                                                                                                                          |                 |                 |
| 505                      | 1. A 3D-printing service provider shall:                                                                                                          | 1. A <del>3D-printing service provider</del> <u>natural or legal person that 3D-prints construction products</u> shall:                                                                                                                  | deleted         |                 |
| Article 28(1), point (a) |                                                                                                                                                   |                                                                                                                                                                                                                                          |                 |                 |
| 506                      | (a) refrain from placing on the market or directly installing products for clients without satisfying the obligations incumbent on manufacturers; | (a) <del>refrain from placing on the market or directly installing products for clients without satisfying the obligations incumbent on manufacturers</del> <u>satisfy the obligations incumbent on manufacturers when placing their</u> | deleted         |                 |



|                          | Commission Proposal                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|                          |                                                                                                                                                                                     | <u>products on the market;</u>                                                                                                                                                                                                        |                 |                 |
| Article 28(1), point (b) |                                                                                                                                                                                     |                                                                                                                                                                                                                                       |                 |                 |
| 507                      | (b) inform its clients that they may use 3D-printing services only for the fabrication of products for their own use, unless satisfying the obligations incumbent on manufacturers; | (b) <del>inform its clients that they may use 3D-printing services only for the fabrication of products for their own use, unless satisfying the obligations incumbent on manufacturers</del> <u>use the appropriate 3D datasets;</u> | deleted         |                 |
| Article 28(1), point (c) |                                                                                                                                                                                     |                                                                                                                                                                                                                                       |                 |                 |
| 508                      | (c) inform its clients that the 3D-datasets and the materials to be used shall have undergone the procedures applicable to products under this Regulation; and                      | (c) <del>inform its clients</del> <u>ensure</u> that the <del>3D-datasets and the</del> materials <del>to be used shall</del> <u>used</u> have undergone the procedures applicable to products under this Regulation; and             | deleted         |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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| Article 28(1), point (d) |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 509                      | (d) inform its clients that both the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material shall coincide and confirm the usability of the material for that type of 3D-dataset and the given 3D-printing technology.                                      | (d) <del>inform its clients that both</del> <u>ensure that</u> the information provided by the manufacturer of the 3D-dataset and the information provided by the manufacturer of the printing material <del>shall</del> coincide <del>and confirm the usability of the material for that type of 3D-dataset and the given 3D-printing technology.</del> | deleted         |                 |
| Article 28(2)            |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 510                      | 2. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall produce 10 such items and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of moulds and of 3D-datasets intended to produce items covered by this Regulation shall | deleted                                                                                                                                                                                                                                                                                                                                                  | deleted         |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate     | Council Mandate | Draft Agreement |
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|               | assess and document the fulfilment of requirements of this Regulation with regard to the produced items.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |                 |                 |
| Article 28(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                 |                 |
| 511           | 3. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall produce 10 such items for each intended use and shall make them available to the notified body, technical assessment body and to authorities on request. Providers of materials intended to be used for the 3D-printing of items covered by this Regulation on or close to the construction site shall assess and document the fulfilment of requirements of this Regulation with regard to the produced items. | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 29    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                    | Draft Agreement |
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| 512           | <p>Article 29</p> <p>Obligations of economic operators de-installing or dealing with used products for re-use or remanufacturing</p>                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Article 29</p> <p>Obligations of economic operators de-installing or dealing with used products for re-use or remanufacturing</p>                                                                                                                                                                                                                                                                                                                                                                                                        | <p><del>Article 29</del></p> <p><i>deleted</i></p> |                 |
| Article 29(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                    |                 |
| 513           | <p>1. An economic operator de-installing used products for re-use or re-manufacturing shall establish protocols on the place, conditions and presumed length of use of the de-installed product and make them available together with the products, regardless whether it exert its activity on its own behalf or for somebody else. The economic operator shall also make the protocols available on request to authorities, to later users of these products and to owners of the construction works in which they were re-installed.</p> | <p>1. An economic operator de-installing used products for re-use or re-manufacturing shall establish protocols on the place, conditions and presumed length of use of the de-installed product and make them available together with the products, regardless whether it exert its activity on its own behalf or for somebody else. The economic operator shall also make the protocols available on request to authorities, to later users of these products and to owners of the construction works in which they were re-installed.</p> | <p><i>deleted</i></p>                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                   | Council Mandate                             | Draft Agreement |
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|               |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                             |                 |
| Article 29(2) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                             |                 |
| 514           | 2. Where an economic operator brokers, sells or otherwise makes available de-installed used products on its own behalf or for somebody else, it shall also fulfil the obligations of importers or distributors with regard to used products. | 2. Where an economic operator brokers, sells or otherwise makes available de-installed used products on its own behalf or for somebody else, it shall also fulfil the obligations of importers or distributors with regard to used products. | <i>deleted</i>                              |                 |
| Article 30    |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                             |                 |
| 515           | Article 30<br>Obligations of suppliers and service providers involved in the manufacturing of products                                                                                                                                       | <i>deleted</i>                                                                                                                                                                                                                               | <del>Article 30</del><br><br><i>deleted</i> |                 |
| Article 30(1) |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                             |                 |

|                          | Commission Proposal                                                                                                                                                                                      | EP Mandate     | Council Mandate | Draft Agreement |
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| 516                      | 1. A supplier or service provider involved in the manufacturing of products shall:                                                                                                                       | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 30(1), point (a) |                                                                                                                                                                                                          |                |                 |                 |
| 517                      | (a) provide to manufacturers, notified bodies and authorities all available information on the environmental sustainability of their supplied component or service;                                      | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 30(1), point (b) |                                                                                                                                                                                                          |                |                 |                 |
| 518                      | (b) ensure the correctness of such information namely by respecting this Regulation and correct any errors made by communication to all their clients and, if potentially useful, to notified bodies and | <i>deleted</i> | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate     | Council Mandate | Draft Agreement |
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|                                 | authorities;                                                                                                                                                                                                                                                               |                |                 |                 |
| <i>Article 30(1), point (c)</i> |                                                                                                                                                                                                                                                                            |                |                 |                 |
| 519                             | (c) permit, in absence of such information, their customers to assess that environmental sustainability on their own expense and support that assessment, namely by giving access to all documents, including those of commercial character, relevant for that assessment; | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 30(1), point (d)</i> |                                                                                                                                                                                                                                                                            |                |                 |                 |
| 520                             | (d) permit notified bodies to verify the correctness of any calculation of the environmental sustainability and support that verification;                                                                                                                                 | <i>deleted</i> | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate     | Council Mandate | Draft Agreement |
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| <i>Article 30(1), point (e)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 521                             | (e) permit notified bodies to verify the performance and compliance of the supplied component or service and support that verification.                                                                                                                                                                                                                                                                                                                                                                                                              | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 30(2)</i>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 522                             | 2. Where a supplier or service provider has been informed in accordance with the last sentence of Article 21(8), it shall forward that information to his other clients who have, in the last 5 years, received components or services which are identical with regard to the issue in question. In case of a serious risk as defined in Article 3, point (71) or a risk falling under the last sentence of Article 21(9), the supplier or service provider shall also inform the national competent authorities of the Member States where products | <i>deleted</i> | <i>deleted</i>  |                 |



|                      | Commission Proposal                                                                                                                                                                                          | EP Mandate                                                                                                                                                                        | Council Mandate                      | Draft Agreement |
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|                      | with that component or manufacturing service have been made available on the market or directly installed; where it cannot identify these Member States, it shall inform all national competent authorities. |                                                                                                                                                                                   |                                      |                 |
| <i>Article 31</i>    |                                                                                                                                                                                                              |                                                                                                                                                                                   |                                      |                 |
| 523                  | Article 31<br>Double use and pseudo products                                                                                                                                                                 | Article 31<br>Double use <del>and pseudo</del> products                                                                                                                           | <del>Article 31</del><br><br>deleted |                 |
| <i>Article 31(1)</i> |                                                                                                                                                                                                              |                                                                                                                                                                                   |                                      |                 |
| 524                  | I. A manufacturer of double use products shall satisfy the obligations of this Regulation for all the items of the respective type, unless they are specifically marked                                      | 1. A manufacturer of double use products <del>shall satisfy the obligations of this Regulation for all the items of the respective type</del> <u>and other economic operators</u> | deleted                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                            | Council Mandate | Draft Agreement |
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|               | as “not for construction”.                                                                                                                                                                                                                                                                                                                     | <u>dealing with them shall satisfy the obligations of this Regulation</u> , unless they are <del>specifically</del> marked as "not for construction". |                 |                 |
| Article 31(2) |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                       |                 |                 |
| 525           | 2. Other economic operators dealing with double use products shall fulfil the obligations incumbent on them in accordance with this Regulation. In their commercial contracts, they shall establish an obligation of their clients to do the same and not to sell or to use items for construction which are marked as “not for construction”. | <i>deleted</i>                                                                                                                                        | <i>deleted</i>  |                 |
| Article 31(3) |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                       |                 |                 |
| 526           | 3. For items suitable for construction for which the                                                                                                                                                                                                                                                                                           | 3. For <del>items suitable for construction for which the</del>                                                                                       |                 |                 |

|                                 | Commission Proposal                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|                                 | manufacturer has never intended such use and which, therefore, have not been CE-marked (“pseudo products”), other economic operators shall:                          | <del>manufacturer has never intended such use and which, therefore, have not been CE-marked</del> ( <u>double use products marked as "not for construction"</u> <del>pseudo-products</del> ); other economic operators shall: | <i>deleted</i>  |                 |
| <i>Article 31(3), point (a)</i> |                                                                                                                                                                      |                                                                                                                                                                                                                               |                 |                 |
| 527                             | (a) not acquire or sell them as items being intended for construction without undergoing the procedures set out in this Regulation to be undergone by manufacturers; | (a) not acquire or sell them as items being intended for construction without undergoing the procedures set out in this Regulation to be undergone by manufacturers;                                                          | <i>deleted</i>  |                 |
| <i>Article 31(3), point (b)</i> |                                                                                                                                                                      |                                                                                                                                                                                                                               |                 |                 |
| 528                             | (b) ensure by presentation that they cannot be understood as being intended for construction; and                                                                    | (b) ensure by presentation that they cannot be understood as being intended for construction; and                                                                                                                             | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                   | Council Mandate                               | Draft Agreement |
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| <i>Article 31(3), point (c)</i> |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                                               |                 |
| 529                             | (c) establish a contractual obligation of their clients to do the same and not to use these items for construction.                                                                                          | (c) establish a contractual obligation of their clients to do the same and not to use these items for construction.                                                                                          | <i>deleted</i>                                |                 |
| <i>Article 32</i>               |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                                               |                 |
| 530                             | Article 32<br>Online and other distance sales                                                                                                                                                                | Article 32<br>Online and other distance sales                                                                                                                                                                | Article 32<br>Online and other distance sales |                 |
| <i>Article 32(1)</i>            |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                                               |                 |
| 531                             | 1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer is targeted at clients in the Union. An offer for sale shall be | 1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer is targeted at clients in the Union. An offer for sale shall be | <i>deleted</i>                                |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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|                                 | considered to be targeted at clients in the Union if the relevant economic operator directs, by any means, its activities to a Member State. Inter alia, an offer shall be considered to be targeted at clients in the Union where: | considered to be targeted at clients in the Union if the relevant economic operator directs, by any means, its activities to a Member State. Inter alia, an offer shall be considered to be targeted at clients in the Union where: |                 |                 |
| <i>Article 32(1), point (a)</i> |                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                     |                 |                 |
| 532                             | (a) the economic operator uses an official language of a Member State, unless selling to the Union is explicitly excluded by effective means;                                                                                       | (a) the economic operator uses an official language of a Member State, unless selling to the Union is explicitly excluded by effective means;                                                                                       | <i>deleted</i>  |                 |
| <i>Article 32(1), point (b)</i> |                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                     |                 |                 |
| 533                             | (b) the economic operator uses the currency of the Member States or a crypto-currency covered by Regulation (EU) [...]¹ unless, in the latter case, selling to the Union                                                            | (b) the economic operator uses the currency of the Member States <del>or a crypto-currency covered by Regulation (EU) [...]¹ unless, in the latter case, selling to the Union</del>                                                 | <i>deleted</i>  |                 |

|                          | Commission Proposal                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                          | <p>is explicitly excluded by effective means;</p> <p>_____</p> <p>1. Future Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937, see COM/2020/593 final.</p> | <p><del>is explicitly excluded by effective means;</del></p> <p>_____</p> <p><del>1. Future Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937, see COM/2020/593 final.</del></p> |                 |                 |
| Article 32(1), point (c) |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |                 |                 |
| 534                      | <p>(c) the economic operator has the used internet domain name registered in one of the Member States or uses an internet domain that refers to the Union or one of the Member States; or</p>                                        | <p>(c) the economic operator has the used internet domain name registered in one of the Member States or uses an internet domain that refers to the Union or one of the Member States; or</p>                                                              | deleted         |                 |
| Article 32(1), point (d) |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |                 |                 |
| 535                      | <p>(d) the geographical areas to which dispatch is available</p>                                                                                                                                                                     | <p>(d) the geographical areas to which dispatch is available</p>                                                                                                                                                                                           |                 |                 |

|                | Commission Proposal                                                                             | EP Mandate                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                | includes a Member State.                                                                        | includes a Member State.                                                                        | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 32(1a) |                                                                                                 |                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 535a           |                                                                                                 |                                                                                                 | <u><i>1a. Where economic operators make products available on the market online or through other means of distance sales, the offer of those products shall clearly and visibly indicate the CE-marking and provide the information following it according to Article 17(2) or a permalink to the product registration in the database or system established in accordance with Article 78, where available.</i></u> |                 |
| Article 32(2)  |                                                                                                 |                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 536            | 2. Member States shall designate a single centralised market surveillance authority responsible | 2. Member States shall designate a single centralised market surveillance authority responsible |                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|                | Commission Proposal                                                                                                                                 | EP Mandate                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                | for detecting products offered from economic operators outside the Union to clients on their territory online and via other distance sales methods. | for detecting products offered from economic operators outside the Union to clients on their territory online and via other distance sales methods. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 32(2a) |                                                                                                                                                     |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 536a           |                                                                                                                                                     |                                                                                                                                                     | <u>3. Economic operators or online marketplaces shall give market surveillance authorities access to online interfaces where products covered by this Regulation are made available. If there are technical obstacles to the extraction of data from those online interfaces, the economic operator or online marketplace shall, upon a reasoned request of a market surveillance authority, allow that authority to scrape such data for product compliance purposes on the basis of identification parameters specified in the request.</u> |                 |



|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                      | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| Article 33                  |                                                                                                                                                                                                                                                                                                                                                                          |                |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 537                         | <p>Article 33</p> <p>Implementing acts on economic operators' obligations and rights</p>                                                                                                                                                                                                                                                                                 | <i>deleted</i> | <p>Article 33</p> <p>Implementing acts on economic operators' obligations and rights</p>                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 33, first paragraph |                                                                                                                                                                                                                                                                                                                                                                          |                |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 538                         | <p>Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices creating an uneven playing field for economic operators, the Commission may adopt implementing acts providing details on how to execute the obligations and rights of economic operators contained in this Chapter.</p> | <i>deleted</i> | <p>Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices <del>creating an uneven playing field</del> <u>fragmenting the internal market</u> for economic operators, the Commission may adopt implementing acts providing details on how to execute the obligations <del>and rights</del> of economic operators contained in this Chapter.</p> |                 |

|                              | Commission Proposal                                                                                                 | EP Mandate                                                                                        | Council Mandate                                                                                                     | Draft Agreement |
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| Article 33, second paragraph |                                                                                                                     |                                                                                                   |                                                                                                                     |                 |
| 539                          | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2). | <i>deleted</i>                                                                                    | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2). |                 |
| CHAPTER IV                   |                                                                                                                     |                                                                                                   |                                                                                                                     |                 |
| 540                          | CHAPTER IV<br>CONSTRUCTION PRODUCTS<br>STANDARDS AND EUROPEAN<br>ASSESSMENT DOCUMENTS                               | CHAPTER IV<br><del>CONSTRUCTION PRODUCTS<br/>STANDARDS AND</del> EUROPEAN<br>ASSESSMENT DOCUMENTS | CHAPTER IV<br><del>CONSTRUCTION PRODUCTS<br/>STANDARDS AND</del> EUROPEAN<br>ASSESSMENT DOCUMENTS                   |                 |
| Article 34                   |                                                                                                                     |                                                                                                   |                                                                                                                     |                 |
| 541                          | Article 34<br>Construction products standards                                                                       | <i>deleted</i>                                                                                    | <del>Article 34</del>                                                                                               |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                      | EP Mandate     | Council Mandate | Draft Agreement |
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|                      |                                                                                                                                                                                                                                                                                                                                          |                | <i>deleted</i>  |                 |
| <i>Article 34(1)</i> |                                                                                                                                                                                                                                                                                                                                          |                |                 |                 |
| 542                  | 1. Construction products standards shall be established by the European standardisation organisations on the basis of a standardisation request issued by the Commission.                                                                                                                                                                | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 34(2)</i> |                                                                                                                                                                                                                                                                                                                                          |                |                 |                 |
| 543                  | 2. Construction products standards developed pursuant to Article 4(2) shall be of mandatory application for purposes of this Regulation as of six months after the publication of their reference in the Official Journal in accordance with paragraph 4, but may be voluntarily applied on request of the manufacturer as from the date | <i>deleted</i> | <i>deleted</i>  |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate     | Council Mandate | Draft Agreement |
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|                      | of that publication. They shall provide the methods and the criteria for assessing the performance of the products in relation to their essential characteristics. These standards shall, where appropriate and without endangering the accuracy, reliability or stability of the results, provide methods less onerous than testing for assessing the performance of the products in relation to their essential characteristics, classes, threshold levels or product requirements. |                |                 |                 |
| <i>Article 34(3)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                 |                 |
| 544                  | 3. Construction products standards developed pursuant to the second sentence of Article 5(2) or the third sentence of Article 22(4) shall be voluntary. Products which are in conformity with voluntary standards adopted in accordance with Article 5(2), or parts thereof, the references of which have been published in the Official Journal of                                                                                                                                   | <i>deleted</i> | <i>deleted</i>  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate | Council Mandate | Draft Agreement |
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|               | <p>the European Union shall be presumed to be in conformity with the requirements laid down in Annex I Part B and C, as specified for the respective product family or category by harmonised technical specifications adopted in accordance with the second sentence of Article 5(2), to the extent that those requirements are covered by such voluntary standards and that this coverage has been precisely stated in the respective harmonised standard. Manufacturers who comply with voluntary standards adopted in accordance with Article 22(2), or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the obligations set out in Article 22(2), to the extent that those obligations are covered by such standards and that this coverage has been precisely stated in the respective standard.</p> |            |                 |                 |
| Article 34(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                 |                 |

|            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate     | Council Mandate | Draft Agreement |
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| 545        | <p>4. The Commission shall assess the conformity of construction products standards established by the European standardisation organisations with the relevant standardisation requests, with this Regulation and with other Union law. The Commission shall publish or publish with restrictions in the Official Journal of the European Union the list of references of accepted conforming construction products standards that have been made available at an affordable price. Where a reference to a standard cannot be published otherwise in the Official Journal, the Commission is empowered to supplement this Regulation by delegated acts adopted in accordance with Article 86 to modify the respective standards for purposes of legal effects under this Regulation.</p> | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 35 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                 |                 |

|                                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                 | Council Mandate                             | Draft Agreement |
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| 546                                      | Article 35<br>European assessment document                                                                                                                                                                                                                                                                                                                    | Article 35<br>European assessment document | <del>Article 35</del><br><br><i>deleted</i> |                 |
| <i>Article 35(1)</i>                     |                                                                                                                                                                                                                                                                                                                                                               |                                            |                                             |                 |
| 547                                      | 1. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity. | <i>deleted</i>                             | <i>deleted</i>                              |                 |
| <i>Article 35(2), first subparagraph</i> |                                                                                                                                                                                                                                                                                                                                                               |                                            |                                             |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                      | Council Mandate | Draft Agreement |
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| 548                                                 | 2. Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any product not covered by: | 2. Following a request for a European technical assessment by a manufacturer or a group of manufacturers or on initiative of the Commission, a European assessment document may be drawn up and adopted by the organisation of technical assessment bodies ('TABs') in agreement with the Commission for any <u>kind or category of</u> product not covered by: | <i>deleted</i>  |                 |
| <i>Article 35(2), first subparagraph, point (a)</i> |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                 |                 |                 |
| 549                                                 | (a) a harmonised technical specification;                                                                                                                                                                                                                                                                                            | (a) a harmonised technical specification;                                                                                                                                                                                                                                                                                                                       | <i>deleted</i>  |                 |
| <i>Article 35(2), first subparagraph, point (b)</i> |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                 |                 |                 |
| 550                                                 |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                 |                 |                 |



|                                              | Commission Proposal                                                                                                                       | EP Mandate                                                                                                                                                         | Council Mandate | Draft Agreement |
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|                                              | (b) a harmonised technical specification intended to be adopted in the next 2 years as from the date of verification with the Commission; | (b) a harmonised technical specification intended to be adopted in the next <del>2 years</del> <u>1 year</u> as from the date of verification with the Commission; | <i>deleted</i>  |                 |
| Article 35(2), first subparagraph, point (c) |                                                                                                                                           |                                                                                                                                                                    |                 |                 |
| 551                                          | (c) another European assessment document already cited in the Official Journal or submitted to the Commission for citation therein.       | (c) another European assessment document already cited in the Official Journal or submitted to the Commission for citation therein.                                | <i>deleted</i>  |                 |
| Article 35(2), second subparagraph           |                                                                                                                                           |                                                                                                                                                                    |                 |                 |
| 552                                          | The product shall not be considered as covered by the harmonised technical specification where:                                           | The product shall not be considered as covered by the harmonised technical specification where:                                                                    | <i>deleted</i>  |                 |

|                                                        | Commission Proposal                                                                                   | EP Mandate                                                                                            | Council Mandate | Draft Agreement |
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| <i>Article 35(2), second subparagraph, point (i)</i>   |                                                                                                       |                                                                                                       |                 |                 |
| 553                                                    | (i) the intended use of the product is different than the intended use supposed in the document,      | (i) the intended use of the product is different than the intended use supposed in the document,      | <i>deleted</i>  |                 |
| <i>Article 35(2), second subparagraph, point (ii)</i>  |                                                                                                       |                                                                                                       |                 |                 |
| 554                                                    | (ii) the materials used are not identical to the materials intended to be used under the document, or | (ii) the materials used are not identical to the materials intended to be used under the document, or | <i>deleted</i>  |                 |
| <i>Article 35(2), second subparagraph, point (iii)</i> |                                                                                                       |                                                                                                       |                 |                 |
| 555                                                    | (iii) the assessment method of the document is not appropriate for that product.                      | (iii) the assessment method of the document is not appropriate for that product.                      | <i>deleted</i>  |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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| Article 35(2a) |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 555a           |                                                                                                                                                                                                                                                                          | <u>2a. The Commission shall task EOTA and CEN with coordinating to ensure that there is no overlap between a European assessment document and harmonised standards or parts thereof.</u>                                                                                                                                                                                               |                 |                 |
| Article 35(3)  |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 556            | 3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting the European assessment document shall respect Article 36 and shall comply with Article 37 and Annex III. | 3. The organisation of TABs and the Commission may bundle or reject requests for the development of a European assessment document. The procedure for adopting <del>the</del> European assessment document shall <del>respect</del> <u>comply with</u> Article 36 and <del>shall comply with Article 37 and</del> <u>the procedure laid down in</u> Annex <del>III</del> <u>IIIa</u> . | <i>deleted</i>  |                 |

|                | Commission Proposal                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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| Article 35(3a) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 556a           |                                                                                                                                                                                                                                                            | <u>3a. Article 4(1) and (4), Article 6, Article 9 and Articles 11 to 17 shall apply to European assessment documents. Where the CE marking is issued on the basis of a European assessment document and a European technical assessment, the European assessment document shall be referred to in the declaration of performance and the declaration of conformity.</u> |                 |                 |
| Article 35(4)  |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 557            | 4. The Commission is empowered to amend Annex III by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure | 4. The Commission is empowered to amend Annex <del>III</del> <u>IIIa</u> by delegated act adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary                                                                                                 | <i>deleted</i>  |                 |

|                                   | Commission Proposal                                                                                                       | EP Mandate                                                                                                                | Council Mandate                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                   | the good functioning of the European assessment documents system.                                                         | to ensure the good functioning of the European assessment documents system.                                               |                                                                                                                                                                                                                                                                    |                 |
| Article 36                        |                                                                                                                           |                                                                                                                           |                                                                                                                                                                                                                                                                    |                 |
| 558                               | <p>Article 36</p> <p>Principles for the development and adoption of European assessment documents</p>                     | <p>Article 36</p> <p>Principles for the development and adoption of European assessment documents</p>                     | <p>Article 36</p> <p>Principles <u>and procedure</u> for the development and adoption of European assessment documents</p>                                                                                                                                         |                 |
| Article 36(1), first subparagraph |                                                                                                                           |                                                                                                                           |                                                                                                                                                                                                                                                                    |                 |
| 559                               | <p>1. The procedure for developing and adopting European assessment documents shall respect the following principles:</p> | <p>1. The procedure for developing and adopting European assessment documents shall respect the following principles:</p> | <p>1. <del>The procedure for</del> <u>When</u> developing and adopting European assessment documents, <u>individual TABs and the organisation of TABs</u> shall <del>respect the following principles:</del> <u>follow the procedure set out in Annex III.</u></p> |                 |

|                                              | Commission Proposal                                                                                                                     | EP Mandate                                                                                                                                             | Council Mandate                                                                                                                         | Draft Agreement |
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| Article 36(a), first subparagraph            |                                                                                                                                         |                                                                                                                                                        |                                                                                                                                         |                 |
| 559a                                         |                                                                                                                                         |                                                                                                                                                        | <u>1a. When developing and adopting European assessment documents, individual TABs and the organisation of TABs shall :</u>             |                 |
| Article 36(1), first subparagraph, point (a) |                                                                                                                                         |                                                                                                                                                        |                                                                                                                                         |                 |
| 560                                          | (a) be transparent to Member States, the manufacturer concerned and to other manufacturers or stakeholders that request to be informed; | (a) be transparent to Member States, the manufacturer concerned and to other manufacturers or stakeholders that request to be informed;                | (a) be transparent to Member States, the manufacturer concerned and to other manufacturers or stakeholders that request to be informed; |                 |
| Article 36(1), first subparagraph, point (b) |                                                                                                                                         |                                                                                                                                                        |                                                                                                                                         |                 |
| 561                                          | (b) disclose as little as possible information protected by intellectual property rights, and protect commercial secrecy and            | (b) <del>disclose as little as possible</del> <u>not to disclose the</u> information protected by intellectual property rights, and protect commercial | (b) disclose <u>confidential information only when necessary to assess the compliance of a European assessment document</u>             |                 |

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|                                              | confidentiality;                                                                           | secrecy and confidentiality;                                                                          | <u>with regulatory provisions, and otherwise as little as possible information protected by intellectual property rights, and</u> protect commercial secrecy and confidentiality; |                 |
| Article 36(1), first subparagraph, point (c) |                                                                                            |                                                                                                       |                                                                                                                                                                                   |                 |
| 562                                          | (c) specify appropriate mandatory time limits in order to avoid unjustified delay;         | (c) specify appropriate mandatory time limits in order to avoid unjustified delay;                    | (c) specify appropriate mandatory time limits in order to avoid unjustified delay;                                                                                                |                 |
| Article 36(1), first subparagraph, point (d) |                                                                                            |                                                                                                       |                                                                                                                                                                                   |                 |
| 563                                          | (d) allow at any stage for adequate participation by the Member States and the Commission; | (d) allow <del>at any stage</del> for adequate participation by the Member States and the Commission; | (d) allow at any stage for adequate participation by the Member States and the Commission;                                                                                        |                 |
| Article 36(1), first subparagraph, point (e) |                                                                                            |                                                                                                       |                                                                                                                                                                                   |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 564                                          | (e) be cost-effective for the manufacturer; and                                                                                                                                                                                                                                                        | (e) be cost-effective for the manufacturer; and                                                                                                                                                                                                                                                                                                      | (e) be cost-effective for the manufacturer; and                                                                                                                                                                                                                                                                                      |                 |
| Article 36(1), first subparagraph, point (f) |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                      |                 |
| 565                                          | (f) ensure sufficient collegiality and coordination amongst TABs designated for the product in question.                                                                                                                                                                                               | (f) ensure sufficient collegiality and coordination amongst TABs designated for the product in question.                                                                                                                                                                                                                                             | (f) ensure sufficient collegiality and coordination amongst TABs designated for the product in question.                                                                                                                                                                                                                             |                 |
| Article 36(1), second subparagraph           |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                      |                 |
| 566                                          | The balancing of principles laid down in points (a) and (b) shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex III, point 3., and the detailed contents of the draft European assessment | The balancing of principles laid down in points (a) and (b) <u>of this paragraph</u> shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex <del>IIIa</del> , point <del>3.</del> <u>5</u> and the detailed contents of the draft European | The balancing of <del>principles</del> <u>requirements</u> laid down in points (a) and (b) shall at least allow for the disclosure of the name of the product at the stage of the approval and the communication of the work programme, as set out in Annex III, point 3., and <u>of</u> the detailed contents of the draft European |                 |



|               | Commission Proposal                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                           | Draft Agreement |
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|               | document set out in Annex III, point 7.                                                                                                                                                                                               | assessment document set out in Annex <del>IIIa</del> , point <del>7</del> <u>5</u> .                                                                                                                                                  | assessment document set out in Annex III, point 7.                                                                                                                                                                                                        |                 |
| Article 36(2) |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                           |                 |
| 567           | 2. The TABs shall, together with the organisation of TABs, bear the full costs of the development and adoption of European assessment documents, unless it is started on initiative of the Commission.                                | 2. The TABs shall, together with the organisation of TABs, bear the full costs of the development and adoption of European assessment documents, unless it is started on initiative of the Commission.                                | 2. The TABs shall, together with the organisation of TABs, bear the full costs of the development and adoption of European assessment documents, unless <u>such development is initiated by</u> <del>it is started on initiative of</del> the Commission. |                 |
| Article 36(3) |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                           |                 |
| 568           | 3. TABs and the organisation of TABs shall avoid any proliferation of European assessment documents where there is no technical justification for differentiating between products and therefore in particular give preference to the | 3. TABs and the organisation of TABs shall avoid any proliferation of European assessment documents where there is no technical justification for differentiating between products and therefore in particular give preference to the | 3. TABs and the organisation of TABs shall avoid any proliferation of European assessment documents where there is no technical justification for differentiating between products and <u>shall</u> therefore in particular give                          |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                               | Draft Agreement |
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|               | extension of a scope of an existing European assessment document.                                                                                                                                                                                                                                     | extension of a scope of an existing European assessment document.                                                                                                                                                                                                                                     | preference to the extension of a scope of an existing European assessment document.                                                           |                 |
| Article 36(4) |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                               |                 |
| 569           | 4. TABs and the organisation of TABs shall refrain from developing European assessment documents where there is a high likelihood of duplication with harmonised technical specifications or pre-existing European assessment documents and shall withdraw duplicating European assessment documents. | 4. TABs and the organisation of TABs shall refrain from developing European assessment documents where there is a high likelihood of duplication with harmonised technical specifications or pre-existing European assessment documents and shall withdraw duplicating European assessment documents. | <i>deleted</i>                                                                                                                                |                 |
| Article 36(5) |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                               |                 |
| 569a          |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       | <u><a href="#">5. The Commission is empowered to, after consultations with the organisation of TABs, amend Annex III by delegated act</a></u> |                 |

|               | Commission Proposal                                                                                | EP Mandate                                                                                         | Council Mandate                                                                                                                                                                                                                                                         | Draft Agreement |
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|               |                                                                                                    |                                                                                                    | <u><i>adopted in accordance with Article 87 to establish supplementary procedural rules for the development and adoption of a European assessment document, where this is necessary to ensure the good functioning of the European assessment documents system.</i></u> |                 |
| Article 37    |                                                                                                    |                                                                                                    |                                                                                                                                                                                                                                                                         |                 |
| 570           | Article 37<br>Obligations of the TAB receiving a request for a European technical assessment       | Article 37<br>Obligations of the TAB receiving a request for a European technical assessment       | Article 37<br>Obligations of the TAB receiving a request for a European technical assessment                                                                                                                                                                            |                 |
| Article 37(1) |                                                                                                    |                                                                                                    |                                                                                                                                                                                                                                                                         |                 |
| 571           | 1. The TAB receiving a request for a European technical assessment from a manufacturer, a group of | 1. The TAB receiving a request for a European technical assessment from a manufacturer, a group of | <del>1. The TAB</del> <u>When</u> receiving a request for a European technical assessment from a manufacturer, a                                                                                                                                                        |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                          | manufacturers or the manufacturers' association shall inform the applicant if the product is covered, fully or partially, by a harmonised technical specification or European assessment document as follows:                                                                 | manufacturers or the manufacturers' association shall inform the applicant if the product is covered, fully or partially, by a harmonised technical specification or European assessment document as follows:                                                                 | group of manufacturers or <del>the a</del> manufacturers' association, <u>the TAB</u> shall inform the applicant <del>if the product is covered, fully or partially, by a harmonised technical specification or European assessment document</del> as follows:                                                                                                                                                                         |                 |
| Article 37(1), point (a) |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 572                      | (a) where the product is fully covered by a harmonised technical specification, the TAB shall inform the manufacturer, the group of manufacturers or the manufacturers' association that, in accordance with Article 35(2), a European technical assessment cannot be issued; | (a) where the product is fully covered by a harmonised technical specification, the TAB shall inform the manufacturer, the group of manufacturers or the manufacturers' association that, in accordance with Article 35(2), a European technical assessment cannot be issued; | (a) where the product is <del>fully</del> covered by a harmonised technical specification, <del>the TAB shall inform the manufacturer, the group of manufacturers or the manufacturers' association that, in accordance with Article 35(2), or a</del> <u>European assessment document cannot be drawn up in accordance with Article 7a, the TAB shall inform the applicant that</u> a European technical assessment cannot be issued; |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 37(1), point (b) |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 573                      | (b) where the product is fully covered by a European assessment document the reference of which has been cited in the Official Journal, the TAB shall inform the manufacturer, the group of manufacturers or the manufacturers' association that such a document will be used as the basis for the European technical assessment to be issued; | (b) where the product is fully covered by a European assessment document the reference of which has been cited in the Official Journal, the TAB shall inform the manufacturer, the group of manufacturers or the manufacturers' association that such a document will be used as the basis for the European technical assessment to be issued; | (b) where the product is fully covered by a European assessment document the reference of which has been <del>cited</del> <u>published</u> in the Official Journal, the TAB shall inform the <del>manufacturer, the group of manufacturers or the manufacturers' association that such a</del> <u>applicant that the referenced European assessment</u> document will be used as the basis for the European technical assessment to be issued; |                 |
| Article 37(1), point (c) |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 574                      | (c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next two years, or                                                                                                                        | (c) where the product is not covered by any harmonised technical specification or European assessment document and where no such harmonised technical specification is intended to be adopted in the next <del>two years</del> <u>year</u> ,                                                                                                   | (c) where the product is <del>not covered by any harmonised technical specification or</del> <u>eligible for a</u> European assessment document <del>and where no such harmonised technical specification is intended to be adopted in the</del>                                                                                                                                                                                               |                 |

|                                     | Commission Proposal                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                     | no such or European assessment document is already in the procedure of developing pursuant to Annex III, the TAB shall apply the procedures set out in Annex III or those established in accordance with Article 35(4). | or no such or European assessment document is already in the procedure of developing pursuant to Annex <del>III</del> <u>IIIa</u> , the TAB shall apply the procedures set out in Annex <del>III</del> <u>IIIa</u> or those established in accordance with Article 35(4). | <del>next two years, or</del> <u>pursuant to Article 7a and</u> no such <del>or European assessment</del> document is <del>already</del> in the procedure of <del>developing pursuant to Annex III</del> <u>being developed</u> , the TAB shall <del>apply the procedures</del> <u>inform the applicant that the procedure</u> set out in Annex III <del>or those established in accordance with Article 35(4)</del> <u>will be initiated</u> . |                 |
| Article 37(-1), second subparagraph |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 574a                                |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                           | <u>In cases referred to in point (c) but where a construction product performance standard covering the same product has been submitted to the Commission for assessment in accordance with Article 4(2c) or the Commission has informed about the fulfilment of the conditions for an implementing act covering the same product in accordance with Article 4a(1) second subparagraph, the TAB shall inform the applicant about the</u>        |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     | <u><a href="#">possibility of a European assessment document being withdrawn pursuant to Article 7a(5).</a></u>                                                                                                                                                                                                                                                                                                             |                 |
| Article 37(2) |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 575           | 2. In the cases referred to in paragraph 1, points (b) and (c), the TAB shall inform the organisation of TABs and the Commission of the content of the request and of the reference to a relevant Commission act determining the assessment and verification system, which the TAB intends to apply for that product, or of the lack of such a Commission decision. | 2. In the cases referred to in paragraph 1, points (b) and (c), the TAB shall inform the organisation of TABs and the Commission of the content of the request and of the reference to a relevant Commission act determining the assessment and verification system, which the TAB intends to apply for that product, or of the lack of such a Commission decision. | 2. In the cases referred to in paragraph 1, points (b) and (c), the TAB shall inform the organisation of TABs and the Commission of the content of the request and of the reference to a relevant Commission act determining the assessment and verification system <u><a href="#">in accordance with Article 6(1)</a></u> , which the TAB intends to apply for that product, or of the lack of such a Commission decision. |                 |
| Article 37(3) |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 576           | 3. If the Commission considers                                                                                                                                                                                                                                                                                                                                      | 3. If the Commission considers                                                                                                                                                                                                                                                                                                                                      | 3. If the Commission considers                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|               | that an appropriate Commission act determining the assessment and verification system does not exist for the product, it may adopt such act in accordance with Article 6(1).                                                                                             | that an appropriate Commission act determining the assessment and verification system does not exist for the product, it may adopt such act in accordance with Article 6(1).                                                                                             | that an appropriate Commission act determining the assessment and verification system does not exist for the product, it may adopt such act in accordance with Article 6(1).                                                                                                                         |                 |
| Article 38    |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                      |                 |
| 577           | Article 38<br>Publication of references                                                                                                                                                                                                                                  | Article 38<br>Publication of references                                                                                                                                                                                                                                  | Article 38<br>Publication of references                                                                                                                                                                                                                                                              |                 |
| Article 38(1) |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                      |                 |
| 578           | 1. The Commission shall assess the conformity of European assessment documents with harmonised technical specifications, with this Regulation and with other Union law. The Commission shall publish or publish with restriction in the Official Journal of the European | 1. The Commission shall assess the conformity of European assessment documents with harmonised technical specifications, with this Regulation and with other Union law. The Commission shall publish or publish with restriction in the Official Journal of the European | 1. The Commission shall, <u>in accordance with Annex III, Point 8a</u> , assess the <del>conformity</del> <u>compliance</u> of European assessment documents with harmonised technical specifications, with this Regulation and with other Union law. <u>Where a European assessment document is</u> |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               | Union the list of references of accepted conforming European assessment documents. The Commission shall publish any updates to that list.                                                                                                                                                                                                                                        | Union the list of references of accepted conforming European assessment documents. The Commission shall publish any updates to that list.                                                                                                                                                                                                                                                   | <u>in conformity with applicable legal requirements,</u> the Commission shall <del>publish</del> <del>or without delay</del> publish <del>with restriction</del> <u>a reference of that document</u> in the Official Journal of the European Union. <u>Where a reference to a</u> <del>the list of references of accepted conforming</del> European assessment documents <del>cannot be published in the Official Journal,</del> the Commission <del>shall may</del> publish <del>any updates to that list</del> <u>such a reference with restrictions</u> . |                 |
| Article 38(2) |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 579           | 2. Only European assessment documents referred to in that list and published in at least one language of the Union by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who | 2. Only European assessment documents referred to in that list and published <del>in at least one language of the Union</del> by either the Commission or by the organisation of TABs shall authorise the issuing of European technical assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who | 2. <del>Only European assessment documents referred to in that list and published in at least one language of the Union by either the Commission or by the organisation of TABs shall authorise the issuing of</del> <u>Following publication in accordance with paragraph 1, a European assessment document may in accordance with Article 42 be used as a basis for a</u> European                                                                                                                                                                         |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                | requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing. | requested the development of the European assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the European Union <u>or immediately where the European technical document has been withdrawn</u> unless they have been renewed in the last year prior to expiry and the Commission decides to maintain the listing. | technical <del>assessments in accordance with Article 42 and trigger legal effects in accordance with Article 42(5), including with regard to the manufacturer who requested the development</del> <u>assessment for a period of 10 years, unless the reference has been withdrawn from the Official Journal</u> of the European <del>assessment document. This legal effect of European assessment documents shall expire ten years after their first citation in the Official Journal of the Union.</del> <u>The organisation of TABs may in the last year prior to the expiration of a</u> European <del>Union unless they have been</del> <u>assessment document decide to submit it for renewed in the last year prior to expiry and the Commission decides to maintain the listing validity. The Commission shall in that case reassess it in accordance with paragraph 1.</u> |                 |
| Article 38(2a) |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|            | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| 579a       |                     | <p><u>2a. In order to ensure the high quality of European assessment documents and to accommodate the confidentiality needs of the applicant for the related European technical assessment, before the reference to a new European assessment document is cited in the Official Journal of the European Union, a draft of the first European technical assessment based on that European assessment document shall be issued. If necessary, the final draft of the European assessment document shall be amended based on the experience gained with the issue of the first European technical assessment. The Commission, jointly with organisation of TABs, shall communicate the date of citation of the reference to the European assessment document.</u></p> |                 |                 |
| Article 39 |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                       | Council Mandate                                    | Draft Agreement |
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| 580                                | <p>Article 39</p> <p>Dispute resolution in cases of disagreement between TABs</p>                                                                                                                                                                                                | <p>Article 39</p> <p>Dispute resolution in cases of disagreement between TABs</p>                                                                                                                                                                                                | <p><del>Article 39</del></p> <p><i>deleted</i></p> |                 |
| <i>Article 39, first paragraph</i> |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                  |                                                    |                 |
| 581                                | <p>If the TABs do not agree upon the European assessment document within the time limits provided for, the organisation of TABs shall submit this matter to the Commission for appropriate resolution, including instructions to this organisation how to complete its work.</p> | <p>If the TABs do not agree upon the European assessment document within the time limits provided for, the organisation of TABs shall submit this matter to the Commission for appropriate resolution, including instructions to this organisation how to complete its work.</p> | <p><i>deleted</i></p>                              |                 |
| <i>Article 40</i>                  |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                  |                                                    |                 |
| 582                                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                  |                                                    |                 |

|                          | Commission Proposal                                                     | EP Mandate                                                               | Council Mandate                                                            | Draft Agreement |
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|                          | Article 40<br><br>Content of the European assessment document           | Article 40<br><br>Content of the European assessment document            | Article 40<br><br>Content of the European assessment document              |                 |
| Article 40(1)            |                                                                         |                                                                          |                                                                            |                 |
| 583                      | 1. A European assessment document shall contain the following elements: | 1. A European assessment document shall contain the following elements:  | 1. A European assessment document shall contain the following elements:    |                 |
| Article 40(1), point (a) |                                                                         |                                                                          |                                                                            |                 |
| 584                      | (a) a description of the product covered; and                           | (a) a description of the <u>kind or category of</u> product covered; and | (a) a description of the product covered <u>and its intended use</u> ; and |                 |
| Article 40(1), point (b) |                                                                         |                                                                          |                                                                            |                 |
| 585                      |                                                                         |                                                                          |                                                                            |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|               | (b) the list of essential characteristics, relevant for the intended use of the product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics. | (b) the list of essential characteristics, relevant for the intended use of the <u>kind or category of</u> product as set out by the manufacturer and agreed between the manufacturer and the organisation of TABs, and the methods and criteria for assessing the performance of the product in relation to those essential characteristics. | (b) the list of essential characteristics, relevant for the intended use of the product as <del>set out by the manufacturer and</del> agreed between the manufacturer and the organisation of TABs <u>as well as predetermined environmental characteristics as set out in Annex I-A Point 2</u> , and the methods and criteria for assessing the performance of the product in relation to <del>those</del> <u>the</u> essential characteristics <u>listed</u> . |                 |
| Article 40(2) |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 586           | 2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the product concerned.                                                                                          | 2. Principles for the applicable factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the <u>kind or category of</u> product concerned.                                                                                          | 2. Principles for the <del>applicable</del> factory production control to be applied shall be set out in the European assessment document, taking into account the conditions of the manufacturing process of the product concerned.                                                                                                                                                                                                                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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| Article 40(3) |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 587           | 3. Where the performance of some of certain essential characteristics of the product can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document, unless there are good reasons to deviate from this rule. | 3. Where the performance of some of certain essential characteristics of the <del>product</del> <u>kind or category of products</u> can appropriately be assessed with methods and criteria established in harmonised technical specifications or European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document;<br><del>unless there are good reasons to deviate from this rule.</del> | 3. Where the performance of <del>some of certain</del> essential characteristics of the product can appropriately be assessed with methods and criteria <u>already</u> established in harmonised technical specifications or <u>other</u> European assessment documents, those existing methods and criteria shall be incorporated as parts of the European assessment document, unless there <del>are good reasons</del> <u>is a technical necessity</u> to deviate from this rule. <u>Where applicable, these principles shall also apply for thresholds levels and classes of performance adopted in accordance with Article 4a(2).</u> |                 |
| Article 41    |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 588           | Article 41<br><br>Formal objections against                                                                                                                                                                                                                                                                                                                                                        | Article 41<br><br>Formal objections against                                                                                                                                                                                                                                                                                                                                                                                                                     | Article 41<br><br>Formal objections against                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                              | European assessment documents                                                                                                                                                                                                                        | European assessment documents                                                                                                                                                                                                                        | European assessment documents                                                                                                                                                                                                                                                                                                                                                                            |                 |
| Article 41(1), first subparagraph            |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 589                                          | 1. A Member State shall inform the Commission of all of the following:                                                                                                                                                                               | 1. A Member State shall inform the Commission of all of the following:                                                                                                                                                                               | 1. A Member State shall inform the Commission of all of the following:                                                                                                                                                                                                                                                                                                                                   |                 |
| Article 41(1), first subparagraph, point (a) |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 590                                          | (a) where it considers that a European assessment document does not entirely satisfy applicable legal requirements or the demands to be met in relation to the basic requirements for construction works or product requirements set out in Annex I; | (a) where it considers that a European assessment document does not entirely satisfy applicable legal requirements or the demands to be met in relation to the basic requirements for construction works or product requirements set out in Annex I; | (a) where it considers that a European assessment document does not entirely <del>satisfy</del> <u>conform with</u> applicable legal requirements or <u>satisfy</u> the demands to be met in relation to the <del>basic requirements for construction works or product</del> <u>essential characteristics to be covered in view of the basic requirements for construction works</u> set out in Annex I; |                 |



|                                              | Commission Proposal                                                                                                                                                      | EP Mandate                                                                                                                                                               | Council Mandate                                                                                                                                                          | Draft Agreement |
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| Article 41(1), first subparagraph, point (b) |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                          |                 |
| 591                                          | (b) where it considers that a European assessment document raises a major concern for human health and safety, the protection of the environment or consumer protection; | (b) where it considers that a European assessment document raises a major concern for human health and safety, the protection of the environment or consumer protection; | (b) where it considers that a European assessment document raises a major concern for human health and safety, the protection of the environment or consumer protection; |                 |
| Article 41(1), first subparagraph, point (c) |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                          |                 |
| 592                                          | (c) where it considers that a European assessment document does not fulfil the requirements set out in Article 35(2),                                                    | (c) where it considers that a European assessment document does not fulfil the requirements set out in Article 35(2),                                                    | <i>deleted</i>                                                                                                                                                           |                 |
| Article 41(1), second subparagraph           |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                                                                                          |                 |
| 593                                          | The Member State concerned shall substantiate its viewpoints. The Commission shall consult the other                                                                     | The Member State concerned shall substantiate its viewpoints. The Commission shall consult the other                                                                     | The Member State concerned shall substantiate its viewpoints. The Commission shall consult the other                                                                     |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | Member States on the issues raised by the Member State concerned.                                                                                                                                                                                                                                                 | Member States on the issues raised by the Member State concerned.                                                                                                                                                                                                                                                 | Member States on the issues raised by the Member State concerned.                                                                                                                                                                                                                                                                |                 |
| Article 41(2) |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                  |                 |
| 594           | 2. In the light of the views of all the Member States, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the European assessment documents concerned in the Official Journal of the European Union. | 2. In the light of the views of all the Member States, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the European assessment documents concerned in the Official Journal of the European Union. | 2. In the light of the views of all the Member States, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the European assessment documents concerned in <u>or from</u> the Official Journal of the European Union. |                 |
| Article 41(3) |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                  |                 |
| 595           | 3. The Commission shall inform the organisation of TABs of its decision referred to in paragraph 2 and, where necessary, request the revision of the European                                                                                                                                                     | 3. The Commission shall inform the organisation of TABs of its decision referred to in paragraph 2 and, where necessary, request the revision of the European                                                                                                                                                     | 3. The Commission shall inform the <u>Member States and the</u> organisation of TABs of its decision referred to in paragraph 2 and, where necessary, request the                                                                                                                                                                |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                                   | assessment document concerned.                                                                                                                                                                                                                                                                                                                      | assessment document concerned.                                                                                                                                                                                                                                                                                                                                                           | revision of the European assessment document concerned.                                                                                                                                                                                                                                                                                                           |                 |
| Article 42                        |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 596                               | Article 42<br>European technical assessment                                                                                                                                                                                                                                                                                                         | Article 42<br>European technical assessment                                                                                                                                                                                                                                                                                                                                              | Article 42<br>European technical assessment                                                                                                                                                                                                                                                                                                                       |                 |
| Article 42(1), first subparagraph |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 597                               | 1. The European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document established in accordance with the procedures set out in Article 37 and Annex III the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38. | 1. <del>The</del> <sup>A</sup> European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document <del>established in accordance with the procedures set out in Article 37 and Annex III</del> , the reference of which has been cited in the Official Journal of the European Union in accordance with Article 38. | 1. <del>The</del> <sup>A</sup> European technical assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a European assessment document <del>established in accordance with the procedures set out in Article 37 and Annex III</del> <u>published</u> in the Official Journal of the European Union in accordance with Article 38. |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                                    |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 42(1), second subparagraph |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 598                                | <p>Provided that there is a European assessment document, a European technical assessment may be issued even in the case where a standardisation request has been issued. Such issuing shall be possible until the citation of the construction products standard in the Official Journal of the Union.</p> | <p>Provided that there is a European assessment document, a European technical assessment may be issued even in the case where a standardisation request has been issued. Such issuing shall be possible until the citation of the construction products standard in the Official Journal of the Union.</p> | <p>Provided that there is a European assessment document, a European technical assessment may be issued even in the case where a standardisation request has been issued. Such issuing shall be possible until the <del>citation of the</del> <u>publication of a reference to a</u> construction <del>products</del> <u>product performance</u> standard in the Official Journal <u>in accordance with Article 4(2d) or the entry into force of an implementing act in accordance with Article 4a(1) covering the same product</u> <del>of the</del> <u>Union.</u></p> |                 |
| Article 42(1a)                     |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 598a                               |                                                                                                                                                                                                                                                                                                             | <p><u>1a. When a request for a European technical assessment is</u></p>                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                   |                                                                                                                                                                                                                                                                                                                                                                                                      | <u><a href="#">made, the procedure laid down in Annex IIIa shall apply.</a></u>                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 42(2)                     |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 599                               | 2. The European technical assessment shall include the performance to be declared, by levels or classes, or in a description, of those essential characteristics agreed by the manufacturer and the TAB receiving the request for the European technical assessment for the declared intended use, and technical details necessary for the implementation of the assessment and verification system. | 2. The European technical assessment shall include the performance to be declared, by levels or classes, or in a description, of those essential characteristics agreed by the manufacturer and the TAB receiving the request for the European technical assessment for the declared intended use, and technical details necessary for the implementation of the assessment and verification system. | 2. The European technical assessment shall include the performance to be declared, by levels or classes, or in a description, of those essential characteristics agreed by the manufacturer and the TAB receiving the request for the European technical assessment for the declared <del>intended</del> use, and technical details necessary for the implementation of the assessment and verification system. |                 |
| Article 42(3), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 600                               | 3. The Commission may adopt implementing acts to establish the                                                                                                                                                                                                                                                                                                                                       | 3. The Commission may adopt implementing acts to establish the                                                                                                                                                                                                                                                                                                                                       | 3. The Commission may adopt implementing acts to establish the                                                                                                                                                                                                                                                                                                                                                  |                 |

|                                    | Commission Proposal                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                    | format of the European technical assessment.                                                                                                                                                                    | format of the European technical assessment.                                                                                                                                                                    | format of the European technical assessment.                                                                                                                                                                                                                                                                                                                          |                 |
| Article 42(3), second subparagraph |                                                                                                                                                                                                                 |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 601                                | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                             | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                             | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                                                                                                                                                                                   |                 |
| Article 42(4)                      |                                                                                                                                                                                                                 |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 602                                | 4. European technical assessments issued on the basis of a European assessment document remain valid for five years after the expiry date of the European assessment document in accordance with Article 38(2). | 4. European technical assessments issued on the basis of a European assessment document remain valid for five years after the expiry date of the European assessment document in accordance with Article 38(2). | 4. European technical assessments issued on the basis of a European assessment document remain valid for five years <i>either</i> after the expiry date of the European assessment document in accordance with Article 38(2) <i>or</i> <u>after the reference to the European assessment document is withdrawn from the Official Journal of the European Union in</u> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>the course of its validity. Products may no longer be placed on the market on the basis of a European technical assessment when a harmonised technical specification covering that product has entered into force.</u>                                                                                                                                                                                                                                                                                                             |                 |
| Article 42(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 603           | 5. Products covered by a European assessment document for which a European technical assessment has been issued may be CE marked and thereby obtain the same status as products CE marked on the basis of harmonised technical specifications, where the manufacturer satisfies the obligations set out in this Regulation. Where these obligations refer to harmonised technical specifications, the manufacturer shall refer to the European assessment document instead or, where the harmonised technical specifications are also | 5. Products covered by a European assessment document for which a European technical assessment has been issued may be CE marked and thereby obtain the same status as products CE marked on the basis of harmonised technical specifications, where the manufacturer satisfies the obligations set out in this Regulation. Where these obligations refer to harmonised technical specifications, the manufacturer shall refer to the European assessment document instead or, where the harmonised technical specifications are also | 5. Products covered by a European assessment document for which a European technical assessment has been issued may be CE marked and thereby obtain the same status as products CE marked on the basis of harmonised technical specifications, where the manufacturer satisfies the obligations set out in this Regulation. Where these obligations refer to harmonised technical specifications, the manufacturer shall refer to the European assessment document instead or, where the harmonised technical specifications are also |                 |

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|               | relevant, in addition.                      | relevant, in addition.                      | relevant, in addition.                      |                 |
| CHAPTER V     |                                             |                                             |                                             |                 |
| 604           | CHAPTER V<br>TECHNICAL ASSESSMENT<br>BODIES | CHAPTER V<br>TECHNICAL ASSESSMENT<br>BODIES | CHAPTER V<br>TECHNICAL ASSESSMENT<br>BODIES |                 |
| Article 43    |                                             |                                             |                                             |                 |
| 605           | Article 43<br>Designating authorities       | <i>deleted</i>                              | Article 43<br>Designating authorities       |                 |
| Article 43(1) |                                             |                                             |                                             |                 |
| 606           | 1. Member States wishing to                 |                                             | 1. Member States wishing to                 |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|               | <p>designate technical assessment bodies shall designate a single authority in charge of technical assessment bodies (hereafter: the “designating authority”).</p> <p>Designating authorities shall satisfy the requirements for notifying authorities set out in Articles 48(1) and Article 49. The designating authority shall not be eligible for designation in accordance with Article 44(1).</p> | <i>deleted</i> | <p>designate technical assessment bodies <u>(TABs)</u> shall designate a single <u>designating</u> authority <del>in charge of technical assessment bodies (hereafter: the “designating authority”)</del><u>that shall be responsible for setting up and carrying out the necessary procedures for the assessment and designation of TABs</u>. Designating authorities shall satisfy the requirements for notifying authorities set out in Articles 48(1) and Article 49. <u>Member States may designate the notifying authority, as referred to in Article 48, as designating authority</u>. The designating authority shall not be eligible for designation in accordance with Article 44(1).</p> |                 |
| Article 43(2) |                                                                                                                                                                                                                                                                                                                                                                                                        |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 607           | <p>2. Unless otherwise specified in this Chapter, the provisions applicable to notifying authorities and to notification procedures apply also to designating</p>                                                                                                                                                                                                                                      | <i>deleted</i> | <p>2. Unless otherwise specified in this Chapter, the provisions applicable to notifying authorities and to notification procedures apply also to designating</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                   | authorities and to the designation procedures. However, Member States may not use accreditation.                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                 | authorities and to the designation procedures. <del>However, Member States may not use accreditation.</del>                                                                                                                                                                                                                                                        |                 |
| Article 44                        |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 608                               | Article 44<br>Designation, monitoring and evaluation of TABs                                                                                                                                                                                                                                           | Article 44<br>Designation, monitoring and evaluation of TABs                                                                                                                                                                                                                                                                                    | Article 44<br>Designation, monitoring and evaluation of TABs                                                                                                                                                                                                                                                                                                       |                 |
| Article 44(1), first subparagraph |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 609                               | 1. Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. The Commission is empowered to amend this table by delegated acts adopted in accordance with Article 87 to adapt it to technical progress. | 1. Member States may designate Technical Assessment Bodies (TABs) within their territories for one or several product areas listed in of Annex IV, Table 1. <u>When the Member State decides to designate a TAB, it shall appoint one single authority in charge of technical assessment bodies (the "designated authority")</u> <del>The</del> | 1. Member States may, <u>through their designating authorities, designate TABs</u> <del>designate Technical Assessment Bodies (TABs)</del> within their territories for one or several product <del>areas</del> <u>families</u> listed in <del>of</del> Annex IV, <del>Table 1. The Commission is empowered to amend this table by delegated acts adopted in</del> |                 |

|                                    | Commission Proposal                                                                                                                                               | EP Mandate                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                    |                                                                                                                                                                   | <i>Commission is empowered to amend this table by delegated acts adopted in accordance with Article 87 to adapt it to technical progress.</i>                     | <i>accordance with Article 87 to adapt it to technical progress.</i><br><u>Member States may also designate TABs within their territories as competent for emerging or innovative products that do not fall into already existing product families listed in Annex IV</u> |                 |
| Article 44(1), second subparagraph |                                                                                                                                                                   |                                                                                                                                                                   |                                                                                                                                                                                                                                                                           |                 |
| 610                                | Member States shall communicate the name of the technical assessment body, its address and the product areas referred to in the first sentence to the Commission. | Member States shall communicate the name of the technical assessment body, its address and the product areas referred to in the first sentence to the Commission. | Member States shall communicate the name of the <i>technical assessment body</i> <u>TAB</u> , its address and the product <i>areas referred to in the first sentence</i> <u>family or families it is competent for</u> to the Commission.                                 |                 |
| Article 44(2), first subparagraph  |                                                                                                                                                                   |                                                                                                                                                                   |                                                                                                                                                                                                                                                                           |                 |
| 611                                | 2. The Commission shall publish the list of those TABs that satisfy                                                                                               | 2. The Commission shall publish the list of those TABs that satisfy                                                                                               | 2. The Commission shall <i>publish the list of those TABs that satisfy</i>                                                                                                                                                                                                |                 |

|                                    | Commission Proposal                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                    | applicable legal requirements referred to Article 45(1) and (2) by electronic means and indicate the product areas for which they are designated and any limitations in the most precise possible way. | applicable legal requirements referred to Article 45(1) and (2) by electronic means and indicate the product areas for which they are designated and any limitations in the most precise possible way. | <p><del>applicable legal requirements referred to Article 45(1) and (2)</del><br/> <u>assign an identification number to each TAB.</u></p> <p><u>The Commission shall make publicly available the list of TABs designated under this Regulation</u> by electronic means and indicate <u>their identifications numbers</u>, the product <del>areas</del> <u>families</u> for which they are designated and any limitations in the most precise possible way.</p> |                 |
| Article 44(2), second subparagraph |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 612                                | The Commission shall publish any updates to that list.                                                                                                                                                 | The Commission shall publish any updates to that list.                                                                                                                                                 | The Commission shall <u>ensure that this list is kept up-to-date</u> <del>publish any updates to that list.</del>                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 44(3), first subparagraph  |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| 613                                | 3. The designating authority designated in accordance with Article 43 shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The designating authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB. | 3. The <del>designating</del> <u>designated</u> authority <del>designated in accordance with Article 43</del> shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The <del>designating</del> <u>designated</u> authority shall instruct the TABs wherever there is an infringement of law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may revoke the designation of the TAB. | 3. The designating authority <del>designated in accordance with Article 43</del> shall monitor the activities and competence of the TABs designated in their respective Member State, and where necessary their subsidiaries and subcontractors, and evaluate them in relation to the respective requirements set out in this Chapter. The designating authority shall <del>instruct the</del> <u>impose corrective measures on</u> TABs wherever there is an infringement of <del>law or common practice agreed between the Member States and the Commission. In case of repeated infringement of the law, it may</del> <u>revoke the designation of the TAB this Regulation .</u> |                 |
| Article 44(3), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 614                                | Member States shall inform the Commission of their national                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Member States shall inform the Commission of their national                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Member States shall inform the Commission of their national                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|               | procedures for the designation of TABs, of the monitoring of their activity and competence, and of any changes to that information.                                                                                                                                                         | procedures for the designation of TABs, of the monitoring of their activity and competence, and of any changes to that information.                                                                                                                                                         | procedures for the designation of TABs, of the monitoring of their activity and competence, and of any changes to that information.                                                                                                                                                                                           |                 |
| Article 44(4) |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                               |                 |
| 615           | 4. TABs shall, without delay, and at the latest within 15 days, inform the relevant Member State and notified authority of any changes which may affect their compliance with the requirements set out in this chapter or their ability to satisfy their obligations under this Regulation. | 4. TABs shall, without delay, and at the latest within 15 days, inform the relevant Member State and notified authority of any changes which may affect their compliance with the requirements set out in this chapter or their ability to satisfy their obligations under this Regulation. | 4. TABs shall, without delay, and at the latest within 15 days, inform the <del>relevant Member State and notified</del> <u>the designating</u> authority of any changes which may affect their compliance with the requirements set out in this chapter or their ability to satisfy their obligations under this Regulation. |                 |
| Article 44(5) |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                               |                 |
| 616           | 5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the                                                                                                                                                                      | 5. The Commission may investigate the compliance of TABs with the requirements set out in this chapter, as well as the                                                                                                                                                                      | <i>deleted</i>                                                                                                                                                                                                                                                                                                                |                 |

|               | Commission Proposal                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                             | Draft Agreement |
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|               | fulfilment by the responsible designating authorities of their monitoring obligations.                                                                                                                         | fulfilment by the responsible <del>designating</del> <u>designated</u> authorities of their monitoring obligations.                                                                                                                         |                                                                                                                                                                                                                                                                             |                 |
| Article 44(6) |                                                                                                                                                                                                                |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                 |
| 617           | 6. TABs shall, upon request by the relevant designating authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance. | 6. TABs shall, upon request by the relevant <del>designating</del> <u>designated</u> authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify compliance. | 6. TABs shall, upon request by the relevant designating authority, supply all relevant information and documents, required to enable the authority, the Commission and the Member States to verify <u>their</u> compliance <u>with requirements under this Regulation</u> . |                 |
| Article 44(7) |                                                                                                                                                                                                                |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                 |
| 618           | 7. Where a TAB no longer complies with the requirements of this Regulation, the Member State shall withdraw the designation of that TAB for the relevant product area and inform the Commission                | 7. Where a TAB no longer complies with the requirements of this Regulation, the Member State shall withdraw the designation of that TAB for the relevant product area and inform the Commission                                             | 7. Where a TAB no longer complies with the requirements of this Regulation, the <del>Member State shall</del> <u>designating authority shall restrict, suspend or</u> withdraw the designation of that TAB for the                                                          |                 |

|               | Commission Proposal                                            | EP Mandate                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               | and the other Member States thereof. Articles 58 and 59 apply. | and the other Member States thereof. Articles 58 and 59 apply. | relevant product <del>area and</del> <u>family as appropriate, depending on the seriousness of the failure to meet those requirements. Where a TAB has repeatedly not complied with corrective measures imposed in accordance with paragraph 3, the designating authority may restrict, suspend or withdraw the designation of that TAB. The designating authority shall</u> inform the Commission and the other Member States <del>thereof</del> <u>of any restriction, suspension or withdrawal of a designation.</u> Articles <del>58</del> <u>58(2)</u> and 59 <u>shall</u> apply. |                 |
| Article 45    |                                                                |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 619           | Article 45<br>Requirements for TABs                            | Article 45<br>Requirements for TABs                            | Article 45<br>Requirements for TABs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 45(1) |                                                                |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |



|                                   | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| 620                               | 1. A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff and at least half of the technical competent staff of the TAB shall be located in the designating Member State. | 1. A TAB shall be competent and equipped to carry out the assessment in the product area for which it has been designated. The decision making staff and at least half of the technical competent staff of the TAB shall be located in the designating Member State. | 1. A TAB shall be competent and equipped to carry out the assessment in <u>relation to</u> the product <del>area</del> <u>families</u> for which it has been designated. The decision making staff and at least half of the technical competent staff <u>. shall be employed by</u> <del>of</del> the TAB <del>shall be located in</del> <u>under the national law of</u> the designating Member State. |                 |
| Article 45(2)                     |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 621                               | 2. The TAB shall satisfy the requirements set out in Annex IV, Table 2 within the scope of its designation. Article 50(1) to (5), Article 50(6) points (a) and (b), Article 50(7), (8) and (10) and Article 51 shall apply.                                          | 2. The TAB shall satisfy the requirements set out in Annex IV, Table 2 within the scope of its designation. Article 50(1) to (5), Article 50(6) points (a) and (b), Article 50(7), (8) and (10) and Article 51 shall apply.                                          | 2. The TAB shall satisfy the requirements set out in Annex <del>IV</del> , <del>Table 2</del> <u>IVa</u> within the scope of its designation. Article <del>50(1)</del> <u>50(2)</u> to (5), Article 50(6) points (a) and (b), Article 50(7), (8) and (10) and Article 51 shall apply.                                                                                                                   |                 |
| Article 45(3), first subparagraph |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                       | Council Mandate                                                                                                                 | Draft Agreement |
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| 622                                | 3. A TAB shall have made publicly available its organigram and the names of the members of its internal decision-making bodies.                                                                                                                  | 3. A TAB shall have made publicly available its organigram and the names of the members of its internal decision-making bodies.                                                                                                                  | 3. A TAB shall have made publicly available its organigram and the names of the members of its internal decision-making bodies. |                 |
| Article 45(3), second subparagraph |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                  |                                                                                                                                 |                 |
| 623                                | Where a TAB no longer complies with the requirements referred to in paragraphs 1 and 2, the Member State shall withdraw the designation of that TAB for the relevant product area and inform the Commission and the other Member States thereof. | Where a TAB no longer complies with the requirements referred to in paragraphs 1 and 2, the Member State shall withdraw the designation of that TAB for the relevant product area and inform the Commission and the other Member States thereof. | <i>deleted</i>                                                                                                                  |                 |
| Article 46                         |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                  |                                                                                                                                 |                 |
| 624                                | Article 46                                                                                                                                                                                                                                       | Article 46                                                                                                                                                                                                                                       | Article 46                                                                                                                      |                 |

|                                              | Commission Proposal                                                                                                  | EP Mandate                                                                                                           | Council Mandate                                                                                                      | Draft Agreement |
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|                                              | Coordination of TABs                                                                                                 | Coordination of TABs                                                                                                 | Coordination of TABs                                                                                                 |                 |
| Article 46(1)                                |                                                                                                                      |                                                                                                                      |                                                                                                                      |                 |
| 625                                          | 1. The TABs shall establish an organisation for technical assessment (“organisation of TABs”) under this Regulation. | 1. The TABs shall establish an organisation for technical assessment (“organisation of TABs”) under this Regulation. | 1. The TABs shall establish an organisation for technical assessment (“organisation of TABs”) under this Regulation. |                 |
| Article 46(2), first subparagraph            |                                                                                                                      |                                                                                                                      |                                                                                                                      |                 |
| 626                                          | 2. The organisation of TABs shall at least carry out the following tasks:                                            | 2. The organisation of TABs shall at least carry out the following tasks:                                            | 2. The organisation of TABs shall at least carry out the following tasks:                                            |                 |
| Article 46(2), first subparagraph, point (a) |                                                                                                                      |                                                                                                                      |                                                                                                                      |                 |
| 627                                          | (a) investigate the potential for                                                                                    | (a) investigate the potential for                                                                                    |                                                                                                                      |                 |

|                                              | Commission Proposal                                                                                                                       | EP Mandate                                                                                                                                | Council Mandate                                                                                                                           | Draft Agreement |
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|                                              | new harmonised technical specifications and inform the Commission of such potential;                                                      | new harmonised technical specifications and inform the Commission of such potential;                                                      | <i>deleted</i>                                                                                                                            |                 |
| Article 46(2), first subparagraph, point (b) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |
| 628                                          | (b) organise the coordination of the TABs and, if necessary, ensure cooperation and consultation with other stakeholders;                 | (b) organise the coordination of the TABs and, if necessary, ensure cooperation and consultation with other stakeholders;                 | (b) organise the coordination of the TABs and, if necessary, ensure cooperation and consultation with other stakeholders;                 |                 |
| Article 46(2), first subparagraph, point (c) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |
| 629                                          | (c) ensure that examples of best practice are shared between TABs to promote greater efficiency and provide a better service to industry; | (c) ensure that examples of best practice are shared between TABs to promote greater efficiency and provide a better service to industry; | (c) ensure that examples of best practice are shared between TABs to promote greater efficiency and provide a better service to industry; |                 |
| Article 46(2), first subparagraph, point (d) |                                                                                                                                           |                                                                                                                                           |                                                                                                                                           |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 630                                          | (d) develop and adopt European assessment documents;                                                                                                                                                                                                                       | (d) develop and adopt European assessment documents;                                                                                                                                                                                                                       | (d) develop and adopt European assessment documents;                                                                                                                                                                                                                                                 |                 |
| Article 46(2), first subparagraph, point (e) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      |                 |
| 631                                          | (e) coordinate the application of the procedures set out in Article 65(2) and in Article 66(1), as well as provide the support needed to that end;                                                                                                                         | (e) coordinate the application of the procedures set out in Article 65(2) and in Article 66(1), as well as provide the support needed to that end;                                                                                                                         | (e) coordinate the application of the procedures set out <del>in Article 65(2) and</del> in Article <del>66(1)</del> <u>66(2)</u> , as well as provide the support needed to that end;                                                                                                               |                 |
| Article 46(2), first subparagraph, point (f) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      |                 |
| 632                                          | (f) inform the Commission of any question related to the preparation of European assessment documents and of any aspects related to the interpretation of the procedures set out in Article 65(2) and in Article 66(1) and suggest improvements to the Commission based on | (f) inform the Commission of any question related to the preparation of European assessment documents and of any aspects related to the interpretation of the procedures set out in Article 65(2) and in Article 66(1) and suggest improvements to the Commission based on | (f) inform the Commission of any question related to the preparation of European assessment documents and of any aspects related to the interpretation of the procedures set out <del>in Article 65(2) and</del> in Article <del>66(1)</del> <u>66(2)</u> and suggest improvements to the Commission |                 |

|                                               | Commission Proposal                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                               | experience gained;                                                                                                                                                                                                          | experience gained;                                                                                                                                                                                                          | based on experience gained;                                                                                                                                                                                                                                                              |                 |
| Article 46(2), first subparagraph, point (fa) |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                          |                 |
| 632a                                          |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             | <u>(f1) supply the Commission with relevant technical content relating to European assessment documents when the development of harmonised technical specifications based on the same product families is set to take place according to the work plan referred to in Article 3a(2);</u> |                 |
| Article 46(2), first subparagraph, point (g)  |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                          |                 |
| 633                                           | (g) communicate any observations concerning a TAB not satisfying its tasks in accordance with the procedures set out in Article 65(2) and in Article 66(1) to the Commission and the Member State which designated the TAB; | (g) communicate any observations concerning a TAB not satisfying its tasks in accordance with the procedures set out in Article 65(2) and in Article 66(1) to the Commission and the Member State which designated the TAB; | (g) communicate any observations concerning a TAB not satisfying its tasks in accordance with the procedures set out <del>in Article 65(2)</del> <del>and</del> in Article <del>66(1)</del> <u>66(2)</u> to the Commission and the Member State which designated the TAB;                |                 |

|                                                  | Commission Proposal                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| Article 46(2), first subparagraph, point (h)     |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                       |                 |
| 634                                              | (h) report annually to the Commission on the fulfilment of the tasks referred to above, and in particular on the geographical distribution of the TABs, the allocation of European assessment document development tasks to the TABs and the performance and the independence of TABs; and | (h) report annually to the Commission on the fulfilment of the tasks referred to above, and in particular on the geographical distribution of the TABs, the allocation of European assessment document development tasks to the TABs and the performance and the independence of TABs; and | (h) report annually to the Commission on <del>the fulfilment of the tasks referred to above, and in particular on the geographical distribution of the TABs, the allocation of European assessment document development tasks to the TABs and the performance and the independence of TABs; and</del> |                 |
| Article 46(2), first subparagraph, point (h)(i)  |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                       |                 |
| 634a                                             |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            | <u>(i) the fulfilment of the tasks referred to above,</u>                                                                                                                                                                                                                                             |                 |
| Article 46(2), first subparagraph, point (h)(ii) |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                       |                 |

|                                                   | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                            | Draft Agreement |
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| 634b                                              |                     |            | <u>(ii) the allocation of European assessment document development tasks to the TABs,</u>                                                                                                                  |                 |
| Article 46(2), first subparagraph, point (h)(iii) |                     |            |                                                                                                                                                                                                            |                 |
| 634c                                              |                     |            | <u>(iii) the even geographic distribution of tasks between TABs,</u>                                                                                                                                       |                 |
| Article 46(2), first subparagraph, point (h)(iv)  |                     |            |                                                                                                                                                                                                            |                 |
| 634d                                              |                     |            | <u>(iv) the European technical assessments issued for each European assessment document including the geographical distribution of TABs involved and of the manufacturers receiving the documents, and</u> |                 |



|                                                 | Commission Proposal                                                                                                                                     | EP Mandate                                                                                                                                                          | Council Mandate                                                                                                                                                     | Draft Agreement |
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| Article 46(2), first subparagraph, point (h)(v) |                                                                                                                                                         |                                                                                                                                                                     |                                                                                                                                                                     |                 |
| 634e                                            |                                                                                                                                                         |                                                                                                                                                                     | <u>(v) the performance and the independence of TABs; and</u>                                                                                                        |                 |
| Article 46(2), first subparagraph, point (i)    |                                                                                                                                                         |                                                                                                                                                                     |                                                                                                                                                                     |                 |
| 635                                             | (i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available in all EU languages. | (i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available <del>in all EU languages</del> . | (i) ensure that adopted European assessment documents and references to European technical assessments are kept publicly available <del>in all EU languages</del> . |                 |
| Article 46(2), second subparagraph              |                                                                                                                                                         |                                                                                                                                                                     |                                                                                                                                                                     |                 |
| 636                                             | The organisation of TABs shall asset up a secretariat in order to                                                                                       | The organisation of TABs shall asset up a secretariat in order to                                                                                                   | The organisation of TABs shall asset up a secretariat in order to                                                                                                   |                 |

|               | Commission Proposal                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                            | Draft Agreement |
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|               | carry out these tasks.                                                                                                                                                                                                                               | carry out these tasks.                                                                                                                                                                                                                               | carry out these tasks.                                                                                                                                                                                                                                     |                 |
| Article 46(3) |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |                 |
| 637           | 3. Member States shall ensure that the TABs contribute with financial and human resources to the organisation of TABs. The value of the contribution of each TAB shall not be less than 2% of its annual budget or turn-over.                        | 3. Member States shall ensure that the TABs contribute with financial and human resources to the organisation of TABs. The value of the contribution of each TAB shall not be less than 2% of its annual budget or turn-over.                        | 3. Member States shall ensure that the TABs contribute <u>adequately</u> with financial and human resources to the organisation of TABs. <del>The value of the contribution of each TAB shall not be less than 2% of its annual budget or turn-over.</del> |                 |
| Article 46(4) |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |                 |
| 638           | 4. The weight in the decision making process of the organisation of TABs shall not depend on the TABs' financial contribution, the number of European assessment documents developed or the number of European technical assessments issued by them. | 4. The weight in the decision making process of the organisation of TABs shall not depend on the TABs' financial contribution, the number of European assessment documents developed or the number of European technical assessments issued by them. | 4. The weight in the decision making process of the organisation of TABs shall not depend on the TABs' financial contribution, the number of European assessment documents developed or the number of European technical assessments issued by them.       |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 46(5) |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 639           | 5. The Commission shall be invited to participate in all meetings of the organisation of TABs.                                                                                                                                                                       | 5. The Commission shall be invited to participate in all meetings of the organisation of TABs.                                                                                                                                                                                  | 5. The Commission shall be invited to participate in all meetings of the organisation of TABs.                                                                                                                                                                                                                                                                                                                                                  |                 |
| Article 46(6) |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 640           | 6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of certain organisational and performance requirements, including with regard to a fair geographic distribution of TABs. | 6. The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of <del>certain</del> organisational and performance requirements, including with regard to a fair geographic distribution of TABs. | 6. <u>Union financing may be granted to the organisation of TABs for the implementation of the tasks referred to in paragraph 2.</u> The Commission may make the financing of the organisation of TABs, regardless of via grants or public tenders, subject to the fulfilment of certain organisational and performance requirements; <del>including with regard to a fair geographic distribution of TABs</del> <u>set out in these tasks.</u> |                 |

|               | Commission Proposal                                        | EP Mandate                                                 | Council Mandate                                                                                                                                                   | Draft Agreement |
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| Article 46(7) |                                                            |                                                            |                                                                                                                                                                   |                 |
| 640a          |                                                            |                                                            | <u>7. TABs shall participate in relevant activities of the organisation of TABs or ensure that their assessment personnel is informed about those activities.</u> |                 |
| CHAPTER VI    |                                                            |                                                            |                                                                                                                                                                   |                 |
| 641           | CHAPTER VI<br>NOTIFYING AUTHORITIES<br>AND NOTIFIED BODIES | CHAPTER VI<br>NOTIFYING AUTHORITIES<br>AND NOTIFIED BODIES | CHAPTER VI<br>NOTIFYING AUTHORITIES<br>AND NOTIFIED BODIES                                                                                                        |                 |
| Article 47    |                                                            |                                                            |                                                                                                                                                                   |                 |
| 642           |                                                            |                                                            |                                                                                                                                                                   |                 |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|                              | Article 47<br>Notification                                                                                                                                                                                                                                                                                                                                     | Article 47<br>Notification                                                                                                                                                                                                                                                                                                                                     | Article 47<br>Notification                                                                                                                                                                                                                                                                                                                                                  |                 |
| Article 47, first paragraph  |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 643                          | Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party tasks in the assessment and verification of performance, assessment of conformity and of the verification of environmental sustainability calculations for the purposes of this Regulation (hereinafter referred to as 'notified bodies'). | Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party tasks in the assessment and verification of performance, assessment of conformity and of the verification of environmental sustainability calculations for the purposes of this Regulation (hereinafter referred to as 'notified bodies'). | Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party tasks in the assessment and verification of performance, assessment of conformity and of the verification of environmental sustainability calculations for the purposes of this Regulation ( <del>hereinafter referred to as 'notified bodies'</del> ). |                 |
| Article 47, second paragraph |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 644                          | Member States shall inform the Commission of their national procedures for the assessment and                                                                                                                                                                                                                                                                  | Member States shall inform the Commission of their national procedures for the assessment and                                                                                                                                                                                                                                                                  | Member States shall inform the Commission of their <del>national</del> procedures for the assessment and                                                                                                                                                                                                                                                                    |                 |

|               | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                 | Draft Agreement |
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|               | notification of bodies to be authorised to carry out these tasks. The Commission shall make that information publicly available.                                                                                                                | notification of bodies to be authorised to carry out these tasks. The Commission shall make that information publicly available.                                                                                                                | notification of bodies to be authorised to carry out these tasks <u>and the monitoring of notified bodies, and of any changes thereto</u> . The Commission shall make that information publicly available.                                      |                 |
| Article 48    |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                 |
| 645           | Article 48<br>Notifying authorities                                                                                                                                                                                                             | Article 48<br>Notifying authorities                                                                                                                                                                                                             | Article 48<br>Notifying authorities                                                                                                                                                                                                             |                 |
| Article 48(1) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                 |
| 646           | 1. Member States shall designate a notifying authority responsible for setting up and carrying out the necessary procedures for the assessment and notification of the bodies to be authorised to carry out third-party tasks in the assessment | 1. Member States shall designate a notifying authority responsible for setting up and carrying out the necessary procedures for the assessment and notification of the bodies to be authorised to carry out third-party tasks in the assessment | 1. Member States shall designate a notifying authority responsible for setting up and carrying out the necessary procedures for the assessment and notification of the bodies to be authorised to carry out third-party tasks in the assessment |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|               | and verification process for the purposes of this Regulation, and for the monitoring of notified bodies, including their compliance with requirements laid out in Article 50.                                                                                                                                                                                                                                                                                                    | and verification process for the purposes of this Regulation, and for the monitoring of notified bodies, including their compliance with requirements laid out in Article 50.                                                                                                                                                                                                                                                                                                    | and verification process for the purposes of this Regulation, and <del>for</del> the monitoring of notified bodies, including their compliance with requirements laid out in Article 50 <u>and 53</u> .                                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 48(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 647           | 2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by their national accreditation bodies in accordance with Chapter II of Regulation (EC) No 765/2008. Member States shall instruct their national accreditation body to take as a basis for accreditation only the precise legal body applying for accreditation and to assess that body against the relevant requirements and tasks laid down in this Regulation. | 2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by their national accreditation bodies in accordance with Chapter II of Regulation (EC) No 765/2008. Member States shall instruct their national accreditation body to take as a basis for accreditation only the precise legal body applying for accreditation and to assess that body against the relevant requirements and tasks laid down in this Regulation. | 2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by their national accreditation <del>bodies in accordance with Chapter II of</del> <u>body within the meaning of and in accordance with</u> Regulation (EC) No 765/2008. <del>Member States shall instruct their national accreditation body to take as a basis for accreditation only the precise legal body applying for accreditation and to assess that body against the relevant requirements and tasks laid down in this Regulation.</del> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 48(3) |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 648           | 3. Where the notifying authority delegates the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity that body shall be a legal person and shall comply with the requirements laid down in Article 49. In addition, it shall have arrangements to cover liabilities arising from its activities. | 3. Where the notifying authority delegates the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity that body shall be a legal person and shall comply with the requirements laid down in Article 49. In addition, it shall have arrangements to cover liabilities arising from its activities. | 3. Where the notifying authority delegates <u>or otherwise entrusts</u> the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity that body shall be a legal person and shall comply <u>mutatis mutandis</u> with the requirements laid down in Article 49. In addition, it shall have arrangements to cover liabilities arising from its activities. |                 |
| Article 48(4) |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 649           | 4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraphs 2 and 3.                                                                                                                                                                                                                          | 4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraphs 2 and 3.                                                                                                                                                                                                                          | 4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in <del>paragraphs 2 and</del> <u>paragraph</u> 3.                                                                                                                                                                                                                                                   |                 |



|               | Commission Proposal                                                                                                                                                                              | EP Mandate                                                                                                                                                                                       | Council Mandate                                              | Draft Agreement |
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| Article 48(5) |                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                              |                 |
| 650           | 5. The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for policy on notification and notifying authorities. | 5. The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for policy on notification and notifying authorities. | <i>deleted</i>                                               |                 |
| Article 49    |                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                              |                 |
| 651           | Article 49<br>Requirements relating to notifying authorities                                                                                                                                     | Article 49<br>Requirements relating to notifying authorities                                                                                                                                     | Article 49<br>Requirements relating to notifying authorities |                 |
| Article 49(1) |                                                                                                                                                                                                  |                                                                                                                                                                                                  |                                                              |                 |

|               | Commission Proposal                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                           | Draft Agreement |
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| 652           | 1. The notifying authority shall be established in such a way that no conflicts of interest with notified bodies occur.                                                                                                                                   | 1. The notifying authority shall be established in such a way that no conflicts of interest with notified bodies occur.                                                                                                                                   | 1. The notifying authority shall be established in such a way that no conflicts of interest with notified bodies occur.                                                                                                                                   |                 |
| Article 49(2) |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                           |                 |
| 653           | 2. The notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.                                                                                                                         | 2. The notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.                                                                                                                         | 2. The notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.                                                                                                                         |                 |
| Article 49(3) |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                           |                 |
| 654           | 3. The notifying authority shall be organised in such a way that each decision relating to notification of a body to be authorised to carry out third party tasks in the assessment and verification process is taken by competent persons different from | 3. The notifying authority shall be organised in such a way that each decision relating to notification of a body to be authorised to carry out third party tasks in the assessment and verification process is taken by competent persons different from | 3. The notifying authority shall be organised in such a way that each decision relating to notification of a body to be authorised to carry out third party tasks in the assessment and verification process is taken by competent persons different from |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|               | those who carried out the assessment.                                                                                                                                                                                                                                                     | those who carried out the assessment.                                                                                                                                                                                                                                                     | those who carried out the assessment.                                                                                                                                                                                                                                                                                                                           |                 |
| Article 49(4) |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 655           | 4. The notifying authority shall not offer or provide activities performed by notified bodies, or consultancy services on a commercial or competitive basis.                                                                                                                              | 4. The notifying authority shall not offer or provide activities performed by notified bodies, or consultancy services on a commercial or competitive basis.                                                                                                                              | 4. The notifying authority shall not offer or provide activities performed by notified bodies, or consultancy services on a commercial or competitive basis.                                                                                                                                                                                                    |                 |
| Article 49(5) |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 656           | 5. The notifying authority shall safeguard the confidentiality of the information obtained. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities. | 5. The notifying authority shall safeguard the confidentiality of the information obtained. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities. | 5. The notifying authority shall safeguard the confidentiality of the information obtained. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities <u><i>which shall safeguard confidentiality of the information</i></u> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                                   |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                         | <u>recieved.</u>                                                                                                                                                                                                                                                                                                       |                 |
| Article 49(5a)                    |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                        |                 |
| 656a                              |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                         | <u>5a. The notifying authority shall take as a basis for notification only the specific body applying for notification and not take account of the capacities or personnel of parent or sister companies. The authority shall assess that body against all relevant requirements and third-party assessment tasks.</u> |                 |
| Article 49(6), first subparagraph |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                        |                 |
| 657                               | 6. The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks. The Commission may adopt implementing acts laying down a | 6. The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.<br><del>The Commission may adopt implementing acts laying down a</del> | 6. The notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.<br><del>The Commission may adopt implementing acts laying down a</del>                                                                                |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                    | minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 48(3), this minimum number shall apply to that body. | <del>minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 48(3), this minimum number shall apply to that body.</del> | <del>minimum number of full-time equivalences considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 48(3), this minimum number shall apply to that body.</del> |                 |
| Article 49(6), second subparagraph |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                 |
| 658                                | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).                                                                                                                                                                                                                        | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                        | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 49a                        |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                 |
| 658a                               |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                       | <u>Article 49a</u>                                                                                                                                                                                                                                                                                                                                    |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                                     |                     |            | <u>Coordination of notifying and designating authorities</u>                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 49a(1), first subparagraph  |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 658b                                |                     |            | <u>1. The Commission shall ensure that appropriate coordination and cooperation between the Member States' national authorities responsible for notification policy and the notifying and designating authorities is put in place and operated in the form of a coordination group of notifying and designating authorities in the field of construction products. This group shall meet on a regular basis and at least annually.</u> |                 |
| Article 49a(1), second subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 658c                                |                     |            | <u>Member States' national</u>                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                    | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                     | Draft Agreement |
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|                                    |                     |            | <u>authorities responsible for notification policy and the notifying and designating authorities under this Regulation shall participate in the activities of this group.</u>       |                 |
| Article 49a(1), third subparagraph |                     |            |                                                                                                                                                                                     |                 |
| 658d                               |                     |            | <u>The Commission may establish the specific arrangements for the functioning of the coordination group of the notifying and designating authorities.</u>                           |                 |
| Article 49a(2)                     |                     |            |                                                                                                                                                                                     |                 |
| 658e                               |                     |            | <u>2. The Commission shall provide for the organisation of regular exchanges of experience between the Member States' national authorities responsible for notification policy.</u> |                 |

|               | Commission Proposal                                                                                                            | EP Mandate                                                                                                                     | Council Mandate                                                                                                                | Draft Agreement |
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| Article 50    |                                                                                                                                |                                                                                                                                |                                                                                                                                |                 |
| 659           | Article 50<br>Requirements for notified bodies                                                                                 | Article 50<br>Requirements for notified bodies                                                                                 | Article 50<br>Requirements <del>for</del> <u>relating to</u><br>notified bodies                                                |                 |
| Article 50(1) |                                                                                                                                |                                                                                                                                |                                                                                                                                |                 |
| 660           | 1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11. | 1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11. | 1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11. |                 |
| Article 50(2) |                                                                                                                                |                                                                                                                                |                                                                                                                                |                 |
| 661           | 2. A conformity assessment body shall be established under national                                                            | 2. A conformity assessment body shall be established under national                                                            | 2. A conformity assessment body shall be established under <u>the</u>                                                          |                 |



|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                    | law and have legal personality.                                                                                                                                                                                                                                                                                                                     | law and have legal personality.                                                                                                                                                | national law <u>of a Member State</u> and have legal personality.                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 50(3), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 662                                | 3. A conformity assessment body shall be independent of the organisation or the product it assesses.                                                                                                                                                                                                                                                | 3. A conformity assessment body shall be <u>a third-party body</u> independent of <u>all business ties of</u> the organisation or the <u>construction</u> product it assesses. | 3. A conformity assessment body shall be <u>independent</u> of the organisation or the product it <del>assesses</del> <u>assesses</u> .                                                                                                                                                                                                                                                                  |                 |
| Article 50(3), second subparagraph |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 663                                | It shall be independent of any and all business ties with organisations having an interest in the products it assesses, manufacturers, their trade partners or their shareholding investors, as well as with other notified bodies and their business associations, parent companies or subsidiaries. This does not preclude the notified body from | <i>deleted</i>                                                                                                                                                                 | It shall <del>be independent of any and all</del> <u>not have any</u> business ties with organisations <del>having</del> <u>that have</u> an interest in the products it assesses, <u>in particular</u> manufacturers, their trade partners <del>or</del> <u>and</u> their shareholding investors, <del>as well as with other notified bodies and their business associations, parent companies or</del> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                                   | carrying out assessment and verification activities for competing manufacturers.                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                          | <del>subsidiaries. This does not preclude the notified body from carrying out assessment and verification activities for competing manufacturers.</del>                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 50(3), third subparagraph |                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 664                               | A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body. | A <u>conformity assessment</u> body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body. | <p><u>However</u>, a body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such an independent body.</p> <p><u>This shall not preclude the body from carrying out assessment and verification activities for competing manufacturers.</u></p> |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 50(4), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 665                                | <p>4. A notified body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the notified body or the use of products for personal purposes.</p> | <p>4. A <del>notified</del><u>conformity assessment</u> body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the <del>notified</del><u>conformity assessment</u> body or the use of products for personal purposes.</p> | <p>4. A notified body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which it assesses, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the notified body or the use of products for personal purposes.</p> |                 |
| Article 50(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 666                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                                   | A notified body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services. | A <del>notified</del> <u>conformity assessment</u> body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not become directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified nor provide consultancy services. | A notified body, its top-level management and the personnel responsible for carrying out the third party tasks in the assessment and verification process shall not <del>become</del> <u>be</u> directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those products, nor represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement and integrity related to the activities for which they have been notified.<br><u>This shall apply in particular to <del>nor provide</del> consultancy services in relation to product families for which they have been notified.</u> |                 |
| Article 50(4), third subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 667                               | A notified body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the                                                                                                                                                                                                                                                                                                                                                                                                                                    | A <del>notified</del> <u>conformity assessment</u> body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do                                                                                                                                                                                                                                                                                                                                                                                                                                                   | A notified body shall ensure that activities of its parent or sister companies, its subsidiaries or subcontractors do not affect the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                    | confidentiality, objectivity and impartiality of its assessment and/or verification activities.                                                                                                                                                                          | not affect the confidentiality, objectivity and impartiality of its assessment and/or verification activities.                                                                                                                                                           | confidentiality, objectivity and impartiality of its assessment and/or verification activities.                                                                                                                                                                                                                                                                              |                 |
| Article 50(4), fourth subparagraph |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 668                                | The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the conformity assessment decisions may not be delegated to a subcontractor or a subsidiary. | The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the conformity assessment decisions may not be delegated to a subcontractor or a subsidiary. | <u>A notified body shall not delegate to a subcontractor or a subsidiary</u> the establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of <u>its</u> personnel to specific tasks and the conformity assessment decisions <del>may not be delegated to a subcontractor or a subsidiary</del> . |                 |
| Article 50(5)                      |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 669                                | 5. A notified body and its personnel shall carry out the third                                                                                                                                                                                                           | 5. A <del>notified</del> <u>conformity assessment</u> body and its personnel                                                                                                                                                                                             | 5. A notified body and its personnel shall carry out the third                                                                                                                                                                                                                                                                                                               |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                   | party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities. | shall carry out the third party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities. | party tasks in the assessment and verification process with the highest degree of professional integrity and requisite technical competence in the specific field <del>and</del> . <u>They</u> shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their assessment and/or verification activities, especially from persons or groups of persons with an interest in the results of those activities. |                 |
| Article 50(6), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 670                               | 6. A notified body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the notified body itself or on its behalf and under its responsibility.                                                                                                                               | 6. A <del>notified</del> <u>conformity assessment</u> body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the <del>notified</del> <u>conformity assessment</u> body itself or on its behalf and                                                                                                   | 6. A notified body shall be capable of carrying out all the third party tasks in the assessment and verification process assigned to it in accordance with Annex V in relation to which it has been notified, whether those tasks are carried out by the notified body itself or on its behalf and under its responsibility.                                                                                                                                                        |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                               |                                                                                                                                                                                                                                                                          | under its responsibility.                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                     |                 |
| Article 50(6), second subparagraph            |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| 671                                           | At all times and for each assessment and verification system and for each kind or category of products, essential characteristics and tasks in relation to which it has been notified, the notified body shall have the following at its disposal:                       | At all times and for each assessment and verification system and for each kind or category of products, essential characteristics and tasks in relation to which it has been notified, the notified body shall have the following at its disposal:                  | At all times and for each assessment and verification system and for each kind or category of products, essential characteristics and tasks in relation to which it has been notified, the notified body shall have the following at its disposal:                                  |                 |
| Article 50(6), second subparagraph, point (a) |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| 672                                           | (a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process. Personnel responsible for taking assessment decisions shall be employed by the notified body | (a) the necessary <u>competent</u> personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process. <del>Personnel responsible for taking assessment decisions shall</del> | (a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the third party tasks in the assessment and verification process. <del>Personnel responsible for taking assessment decisions shall be employed by the notified body</del> |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                               | under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;                           | <del>be employed by the notified body under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;</del>                                | <del>under the national law of the notifying Member State, shall not have any other potentially conflicting loyalty obligation or potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. Its number shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;</del>                                                               |                 |
| Article 50(6), second subparagraph, point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 673                                           | (b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. This shall include a qualification matrix matching relevant personnel, their respective status and tasks within the conformity assessment body with the conformity assessment tasks in relation to which the body intends | (b) the necessary description of procedures according to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of these procedures. <del>This</del> <u>It</u> shall <del>include a qualification matrix matching relevant personnel, their respective status and</del> <u>have appropriate policies and procedures in place that distinguish between the</u> tasks <del>within the conformity assessment</del> | (b) the necessary description of procedures <del>according in</del> <u>accordance</u> to which the assessment process is carried out, ensuring the transparency and the ability of reproduction of <del>these</del> <u>those</u> procedures. <del>This shall include a qualification matrix matching,</del> <u>including a description of how</u> relevant personnel, their <del>respective</del> <u>correspond to</u> status and tasks <del>within the</del> |                 |



|                                               | Commission Proposal                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                        | Draft Agreement |
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|                                               | to be notified;                                                                                                                                                            | <del>body with the conformity assessment tasks in relation to which the body intends to be notified;</del> <u>it carries out as a notified body and other activities, and it shall assign its personnel to those tasks.</u> | <del>conformity assessment body with</del> the conformity assessment tasks in relation to which the body intends to be notified;                                                                       |                 |
| Article 50(6), second subparagraph, point (c) |                                                                                                                                                                            |                                                                                                                                                                                                                             |                                                                                                                                                                                                        |                 |
| 674                                           | (c) appropriate policies and procedures in place that distinguish between the tasks it carries out as a notified body and other activities;                                | <i>deleted</i>                                                                                                                                                                                                              | (c) appropriate policies and procedures <del>in place that</del> <u>to</u> distinguish <del>between</del> the tasks it carries out as a notified body <del>and</del> <u>from</u> other activities;     |                 |
| Article 50(6), second subparagraph, point (d) |                                                                                                                                                                            |                                                                                                                                                                                                                             |                                                                                                                                                                                                        |                 |
| 675                                           | (d) the necessary procedures to perform its activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of | (d) the necessary procedures to perform its activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of                                                  | (d) <del>the necessary</del> procedures <del>to perform its</del> <u>for the performance of</u> activities, which take due account of the size of an undertaking, the sector in which it operates, its |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                   | complexity of the product technology in question and the mass or serial nature of the production process.                                                                                                                                                   | complexity of the product technology in question and the mass or serial nature of the production process.                                                                                                                                                                                           | structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.                                                                                                                                               |                 |
| Article 50(6), third subparagraph |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                  |                 |
| 676                               | A notified body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have access to all necessary equipment or facilities. | A <del>notified</del> <u>conformity assessment</u> body shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have access to all necessary equipment or facilities. | <del>A notified body</del> <u>It</u> shall have the means necessary to perform the technical and administrative tasks connected with the activities for which it intends to be notified in an appropriate manner and shall have access to all necessary equipment or facilities. |                 |
| Article 50(7)                     |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                  |                 |
| 677                               | 7. The personnel responsible for carrying out the activities in relation to which the body intends to be notified, shall have the                                                                                                                           | 7. The personnel responsible for carrying out the activities in relation to which the body intends to be notified, shall have the                                                                                                                                                                   | 7. The personnel responsible for carrying out the activities in relation to which the body intends to be notified, shall have the                                                                                                                                                |                 |

|                          | Commission Proposal                                                                                                                                                                       | EP Mandate                                                                                                                                                                                | Council Mandate                                                                                                                                                                           | Draft Agreement |
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|                          | following:                                                                                                                                                                                | following:                                                                                                                                                                                | following:                                                                                                                                                                                |                 |
| Article 50(7), point (a) |                                                                                                                                                                                           |                                                                                                                                                                                           |                                                                                                                                                                                           |                 |
| 678                      | (a) sound technical and vocational training covering all the third party tasks in the assessment and verification process within the relevant scope for which the body has been notified; | (a) sound technical and vocational training covering all the third party tasks in the assessment and verification process within the relevant scope for which the body has been notified; | (a) sound technical and vocational training covering all the third party tasks in the assessment and verification process within the relevant scope for which the body has been notified; |                 |
| Article 50(7), point (b) |                                                                                                                                                                                           |                                                                                                                                                                                           |                                                                                                                                                                                           |                 |
| 679                      | (b) satisfactory knowledge of the requirements of the assessments and verifications it carries out and adequate authority to carry out such operations;                                   | (b) satisfactory knowledge of the requirements of the assessments and verifications it carries out and adequate authority to carry out such operations;                                   | (b) satisfactory knowledge of the requirements of the assessments and verifications it carries out and adequate authority to carry out such operations; <del>;</del> <u>including</u>     |                 |
| Article 50(7), point (c) |                                                                                                                                                                                           |                                                                                                                                                                                           |                                                                                                                                                                                           |                 |

|                          | Commission Proposal                                                                                                                                        | EP Mandate                                                                                                                                                 | Council Mandate                                                                                                                                                         | Draft Agreement |
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| 680                      | (c) appropriate knowledge and understanding of the applicable harmonised technical specifications and of the relevant provisions of the Regulation;        | (c) appropriate knowledge and understanding of the applicable harmonised technical specifications and of the relevant provisions of the Regulation;        | <del>(c)</del> appropriate knowledge and understanding of the applicable harmonised technical specifications and of the relevant provisions of the Regulation;          |                 |
| Article 50(7), point (d) |                                                                                                                                                            |                                                                                                                                                            |                                                                                                                                                                         |                 |
| 681                      | (d) the ability required to draw up the certificates, records and reports to demonstrate that the assessments and the verifications have been carried out. | (d) the ability required to draw up the certificates, records and reports to demonstrate that the assessments and the verifications have been carried out. | (d) the ability required to draw up the certificates, records and reports to demonstrate that the assessments and the verifications have been carried out.              |                 |
| Article 50(7a)           |                                                                                                                                                            |                                                                                                                                                            |                                                                                                                                                                         |                 |
| 681a                     |                                                                                                                                                            |                                                                                                                                                            | <u>7a. Personnel responsible for taking assessment decisions shall be employed by the notified body under the national law of the notifying Member State, shall not</u> |                 |

|                                    | Commission Proposal                                                                                            | EP Mandate                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                    |                                                                                                                |                                                                                                                | <u>have any potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. The number of such personnel shall be sufficient to ensure business continuity and a consistent approach to conformity assessments.</u> |                 |
| Article 50(8), first subparagraph  |                                                                                                                |                                                                                                                |                                                                                                                                                                                                                                                                                           |                 |
| 682                                | 8. The impartiality of the body, its top-level management and assessment personnel shall be guaranteed.        | 8. The impartiality of the body, its top-level management and assessment personnel shall be guaranteed.        | 8. The impartiality of the body <del>and</del> <u>and</u> its top-level management and <u>of the</u> assessment personnel shall be guaranteed.                                                                                                                                            |                 |
| Article 50(8), second subparagraph |                                                                                                                |                                                                                                                |                                                                                                                                                                                                                                                                                           |                 |
| 683                                | The remuneration of the body's top-level management and assessment personnel shall not depend on the number of | The remuneration of the body's top-level management and assessment personnel shall not depend on the number of | The remuneration of the <del>body's</del> top-level management and assessment personnel <u>of a body</u> shall not depend on the number of                                                                                                                                                |                 |

|                | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                | assessments carried out or on the results of such assessments.                                                                                                                                                                                  | assessments carried out or on the results of such assessments.                                                                                                                                                                                                                          | assessments carried out or <del>on the</del> <u>their</u> results <del>of such assessments</del> .                                                                                                                                                                                                       |                 |
| Article 50(9)  |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |                 |
| 684            | 9. A notified body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed. | 9. A <del>notified</del> <u>conformity assessment</u> body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment and/or the verification performed. | 9. A notified body shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the assessment <del>and/or</del> <u>or</u> the verification performed.                                     |                 |
| Article 50(10) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |                 |
| 685            | 10. The personnel of the notified body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent administrative authorities of the      | 10. The personnel of the <del>notified</del> <u>conformity assessment</u> body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks under Annex V, except in relation to the competent                                        | 10. The personnel of the notified body shall <del>be bound to</del> <u>observe</u> professional secrecy <del>with regard to</del> <u>regarding</u> all information <del>gained</del> <u>obtained</u> in carrying out its tasks under Annex V, except in relation to the <u>notifying authorities and</u> |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                | Member State in which its activities are carried out. Proprietary rights shall be protected.                                                                                                                                                                                                                                                                                                                          | administrative authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.                                                                                                                                                                                                                                                                                                                                                                                                     | <del>other national-competent administrative</del> authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 50(11) |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 686            | 11. A notified body shall ensure that its assessment personnel is informed of the relevant standardisation activities and shall participate in, and ensure that its assessment personnel is informed of, activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result of that group. | 11. A <del>notified body shall ensure that its</del> <u>conformity</u> assessment <del>personnel is informed of the relevant standardisation activities and</del> <u>body</u> shall participate in, and ensure that its assessment personnel is informed of, <u>relevant standardisation activities</u> , activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result <del>of that group</del> . | 11. A notified body shall <del>ensure that its assessment personnel is informed of the relevant standardisation activities and shall</del> participate in, <del>and</del> <u>or</u> ensure that its assessment personnel is informed of, <del>activities of the notified body coordination group established under this Regulation and shall apply as general guidance the administrative decisions and documents produced as a work result of that group</del> <u>the relevant standardisation activities</u> . |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 51                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 687                         | Article 51<br>Presumption of conformity                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Article 51<br>Presumption of conformity <u>of</u><br><u>notified bodies</u>                                                                                                                                                                                                                                                                                                                                                                                                                | Article 51<br>Presumption of conformity <u>of</u><br><u>notified bodies</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 51, first paragraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 688                         | A conformity assessment body to be authorised to carry out third party tasks in the assessment and verification process which demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the requirements set out in Article 50 in so far as the applicable harmonised standards cover those requirements. | A conformity assessment body to be authorised to carry out third party tasks in the assessment and verification process which demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the requirements set out in Article 50 in so far as the applicable harmonised standards cover those requirements. | <u>Where</u> a conformity assessment body <del>to be authorised to carry out third party tasks in the assessment and verification process which</del> demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the <u>Official Journal of the European Union</u> <del>Official Journal of the European Union</del> , <u>it</u> shall be presumed to comply with the requirements set out in Article 50 in so far as the applicable harmonised standards cover those |                 |



|                             | Commission Proposal                                                                                                                                                                         | EP Mandate                                                                                                                                                                                  | Council Mandate                             | Draft Agreement |
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|                             |                                                                                                                                                                                             |                                                                                                                                                                                             | requirements.                               |                 |
| Article 52                  |                                                                                                                                                                                             |                                                                                                                                                                                             |                                             |                 |
| 689                         | Article 52<br>Formal objection                                                                                                                                                              | Article 52<br>Formal objection                                                                                                                                                              | <del>Article 52</del><br><br><i>deleted</i> |                 |
| Article 52, first paragraph |                                                                                                                                                                                             |                                                                                                                                                                                             |                                             |                 |
| 690                         | Where a Member State or the Commission has a formal objection to the harmonised standards referred to in Article 51, the provisions of Article 11 of Regulation (EU) 1025/2012 shall apply. | Where a Member State or the Commission has a formal objection to the harmonised standards referred to in Article 51, the provisions of Article 11 of Regulation (EU) 1025/2012 shall apply. | <i>deleted</i>                              |                 |
| Article 53                  |                                                                                                                                                                                             |                                                                                                                                                                                             |                                             |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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| 691           | Article 53<br>Subsidiaries and subcontractors of notified bodies                                                                                                                                                                                                                                                                   | Article 53<br>Subsidiaries and subcontractors of notified bodies                                                                                                                                                                                                                                                                   | Article 53<br>Subsidiaries and subcontractors of notified bodies                                                                                                                                                                                                                                                                   |                 |
| Article 53(1) |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                    |                 |
| 692           | 1. Where a notified body subcontracts specific tasks connected with the third party tasks in the assessment and verification process or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 50, and shall inform the notifying authority accordingly. | 1. Where a notified body subcontracts specific tasks connected with the third party tasks in the assessment and verification process or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 50, and shall inform the notifying authority accordingly. | 1. Where a notified body subcontracts specific tasks connected with the third party tasks in the assessment and verification process or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 50, and shall inform the notifying authority accordingly. |                 |
| Article 53(2) |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                    |                 |
| 693           | 2. The notified body shall take full                                                                                                                                                                                                                                                                                               | 2. The notified body shall take full                                                                                                                                                                                                                                                                                               | 2. The notified body shall take full                                                                                                                                                                                                                                                                                               |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|               | responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 50(6) point (b). | responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. <del>The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 50(6) point (b).</del> | responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. <del>The relevant notified bodies shall establish procedures for the on-going monitoring of the</del> <u>and monitor their</u> competence, <del>activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in</del> <u>in relation to its own as described in</u> Article 50(6) point (b). |                 |
| Article 53(3) |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 694           | 3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.                                                                                                                                                                                                                                                               | 3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.                                                                                                                                                                                                                                                                          | 3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.                                                                                                                                                                                                                                                                                                                                                            |                 |
| Article 53(4) |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 695           | 4. The notified body shall keep at                                                                                                                                                                                                                                                                                                                                     | 4. The notified body shall keep at                                                                                                                                                                                                                                                                                                                                                | 4. The notified body shall keep at                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                                   | Commission Proposal                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                                   | the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of any subcontractor or the subsidiary and the tasks carried out by such parties under Annex V. | the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of any subcontractor or the subsidiary and the tasks carried out by such parties under Annex V. | the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of <del>any</del> <u>the</u> subcontractor or the subsidiary and the <del>tasks</del> <u>work</u> carried out by <del>such parties</del> <u>them</u> under Annex V. |                 |
| Article 54                        |                                                                                                                                                                                                                               |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                   |                 |
| 696                               | Article 54<br>Use of facilities outside the testing laboratory of the notified body                                                                                                                                           | Article 54<br>Use of facilities outside the testing laboratory of the notified body                                                                                                                                           | Article 54<br>Use of facilities outside the testing laboratory of the notified body                                                                                                                                                                                                               |                 |
| Article 54(1), first subparagraph |                                                                                                                                                                                                                               |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                   |                 |
| 697                               | 1. On request of the manufacturer and where justified by technical, economic or logistic reasons, notified bodies may decide to carry out the tests referred to in Annex                                                      | 1. On request of the manufacturer and where justified by technical, economic or logistic reasons, notified bodies may decide to carry out the tests referred to in Annex                                                      | 1. On request of the manufacturer and where justified by technical, economic or logistic reasons <u>related to the nature of the product or the testing equipment,</u>                                                                                                                            |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                    | V, for the assessment and verification systems 1+, 1 and 3 or have such tests carried out under their supervision, either in the manufacturing plants using the test equipment of the internal laboratory of the manufacturer or, with the prior consent of the manufacturer, in an external laboratory, using the test equipment of that laboratory. | V, for the assessment and verification systems 1+, 1 and 3 or have such tests carried out under their supervision, either in the manufacturing plants using the test equipment of the internal laboratory of the manufacturer or, with the prior consent of the manufacturer, in an external laboratory, using the test equipment of that laboratory. | notified bodies may decide to carry out the tests referred to in Annex V, for the assessment and verification systems 1+, 1 and 3 or have such tests carried out under their supervision, either in the manufacturing plants using the test equipment of the internal laboratory of the manufacturer or, with the prior consent of the manufacturer, in an external laboratory, using the test equipment of that laboratory. |                 |
| Article 54(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 698                                | Notified bodies carrying out such tests shall be specifically designated as competent to work away from their own test facilities and shall in that regard comply with the requirements laid down in Article 50.                                                                                                                                      | Notified bodies carrying out such tests shall be specifically designated as competent to work away from their own test facilities and shall in that regard comply with the requirements laid down in Article 50.                                                                                                                                      | Notified bodies carrying out such tests shall be specifically designated as competent to work away from their own test facilities and shall <i>also</i> in that regard comply with the requirements laid down in Article 50.                                                                                                                                                                                                 |                 |
| Article 54(2), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                              | Commission Proposal                                                                                                                                                             | EP Mandate                                                                                                                                                                      | Council Mandate                                                                                                                                                                 | Draft Agreement |
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| 699                                          | 2. Before carrying out the tests referred to in paragraph 1, notified bodies shall verify whether the requirements of the test method are satisfied and shall evaluate whether: | 2. Before carrying out the tests referred to in paragraph 1, notified bodies shall verify whether the requirements of the test method are satisfied and shall evaluate whether: | 2. Before carrying out the tests referred to in paragraph 1, notified bodies shall verify whether the requirements of the test method are satisfied and shall evaluate whether: |                 |
| Article 54(2), first subparagraph, point (a) |                                                                                                                                                                                 |                                                                                                                                                                                 |                                                                                                                                                                                 |                 |
| 700                                          | (a) test equipment has an appropriate calibration system and the traceability of the measurements is guaranteed; and                                                            | (a) test equipment has an appropriate calibration system and the traceability of the measurements is guaranteed; and                                                            | (a) test equipment has an appropriate calibration system and the traceability of the measurements is guaranteed; and                                                            |                 |
| Article 54(2), first subparagraph, point (b) |                                                                                                                                                                                 |                                                                                                                                                                                 |                                                                                                                                                                                 |                 |
| 701                                          | (b) the quality of the test results is ensured.                                                                                                                                 | (b) the quality of the test results is ensured.                                                                                                                                 | (b) the quality of the test results is ensured.                                                                                                                                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                        | Draft Agreement |
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| Article 54(2), second subparagraph |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                 |
| 702                                | Notified bodies shall assume full responsibility for the tests in their entirety, including the accuracy and traceability of calibration and measurements, and for the reliability of the test results | Notified bodies shall assume full responsibility for the tests in their entirety, including the accuracy and traceability of calibration and measurements, and for the reliability of the test results | Notified bodies shall assume full responsibility for the tests in their entirety, including the accuracy and traceability of calibration and measurements, and for the reliability of the test results |                 |
| Article 55                         |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                 |
| 703                                | Article 55<br>Application for notification                                                                                                                                                             | Article 55<br>Application for notification                                                                                                                                                             | Article 55<br>Application for notification                                                                                                                                                             |                 |
| Article 55(1)                      |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                 |
| 704                                | 1. A body to be authorised to carry out third party tasks in the assessment and verification process shall submit an application for                                                                   | 1. A body to be authorised to carry out third party tasks in the assessment and verification process shall submit an application for                                                                   | 1. A body to be authorised to carry out third party tasks in the assessment and verification <del>process</del> <u>systems</u> shall submit an                                                         |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|               | notification to the notifying authority of the Member State in which it is established.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | notification to the notifying authority of the Member State in which it is established.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | application for notification to the notifying authority of the Member State in which it is established.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Article 55(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 705           | 2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent, the qualification matrix referred to in Article 50(6), point (b), an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised | 2. The application shall be accompanied by a description of the activities to be performed, the assessment and/or verification processes for which the body claims to be competent, <del>the qualification matrix referred to in Article 50(6), point (b),</del> an accreditation certificate, where one exists, issued by the national accreditation body within the meaning of Regulation (EC) No 765/2008, attesting that the body meets the requirements laid down in Article 50. The accreditation certificate shall relate only to the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. It shall be based, in addition to relevant harmonised | 2. The application shall be accompanied by a description of the activities to be performed, the assessment <del>and/or</del> <u>and</u> verification processes for which the body claims to be competent, the <u>description of competence</u> <del>qualification matrix</del> referred to in Article 50(6), point (b), <u>as well as</u> an accreditation certificate, where one exists, issued by the national accreditation body <del>within the meaning of Regulation (EC) No 765/2008,</del> attesting that the body <del>meets</del> <u>fulfils</u> the requirements laid down in Article 50. The accreditation certificate shall relate only to the <del>specific conformity assessment</del> <u>precise legal</u> body applying for notification and <del>not take account of the capacities or personnel of parent or sister</del> |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement |
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|               | standards, on the specific requirements and assessment tasks.                                                                                                                                                                                                                       | standards, on the specific requirements and assessment tasks.                                                                                                                                                                                                                       | <del>companies. It</del> shall be based, in addition to relevant harmonised standards, on the specific requirements and <u>tasks provided for in this Regulation</u> <del>assessment tasks</del> .                                                                                  |                 |
| Article 55(3) |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| 706           | 3. Where the body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 50. | 3. Where the body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 50. | 3. Where the body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 50. |                 |
| Article 56    |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                 |
| 707           | Article 56                                                                                                                                                                                                                                                                          | Article 56                                                                                                                                                                                                                                                                          | Article 56                                                                                                                                                                                                                                                                          |                 |

|                                    | Commission Proposal                                                                                                                                      | EP Mandate                                                                                                                                               | Council Mandate                                                                                                                                                     | Draft Agreement |
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|                                    | Notification procedure                                                                                                                                   | Notification procedure                                                                                                                                   | Notification procedure                                                                                                                                              |                 |
| Article 56(1)                      |                                                                                                                                                          |                                                                                                                                                          |                                                                                                                                                                     |                 |
| 708                                | 1. Notifying authorities may notify only bodies which have satisfied the requirements laid down in Article 50.                                           | 1. Notifying authorities may notify only bodies which have satisfied the requirements laid down in Article 50.                                           | 1. Notifying authorities may notify only bodies which have satisfied the requirements laid down in Article 50.                                                      |                 |
| Article 56(2), first subparagraph  |                                                                                                                                                          |                                                                                                                                                          |                                                                                                                                                                     |                 |
| 709                                | 2. They shall notify the Commission and the other Member States, notably using the electronic notification tool developed and managed by the Commission. | 2. They shall notify the Commission and the other Member States, notably using the electronic notification tool developed and managed by the Commission. | 2. They shall notify the Commission and the other Member States, <del>notably</del> using the electronic notification tool developed and managed by the Commission. |                 |
| Article 56(2), second subparagraph |                                                                                                                                                          |                                                                                                                                                          |                                                                                                                                                                     |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| 710                                | Exceptionally, for cases set out in Annex VI, for which the appropriate electronic tool is not available, a hard copy of the notification shall be accepted.                                                                                                         | Exceptionally, for cases set out in Annex VI, for which the appropriate electronic tool is not available, a hard copy of the notification shall be accepted.                                                                                                         | Exceptionally, for cases <u>regarding groupings of essential characteristics</u> set out in Annex VI, for which the appropriate electronic tool is not available, a <del>hard copy of the notification</del> <u>notification in other electronic form</u> shall be accepted.                                                |                 |
| Article 56(3), first subparagraph  |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |                 |
| 711                                | 3. The notification shall include full details of the functions to be performed, reference to the relevant harmonised technical specification and, for the purposes of the system set out in Annex V, the essential characteristics for which the body is competent. | 3. The notification shall include full details of the functions to be performed, reference to the relevant harmonised technical specification and, for the purposes of the system set out in Annex V, the essential characteristics for which the body is competent. | 3. The notification shall include full details of the functions to be performed, reference to the relevant harmonised technical specification and, for the purposes of the system set out in Annex V, the essential characteristics for which the body is competent <u>and the relevant attestation of that competence.</u> |                 |
| Article 56(3), second subparagraph |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| 712           | However, reference to the relevant harmonised technical specification is not required in the cases set out in Annex VI.                                                                                                                                                                                                                                                                                               | However, reference to the relevant harmonised technical specification is not required in the cases set out in Annex VI.                                                                                                                                                                                                                                                                                               | However, reference to the relevant harmonised technical specification is not required in the cases <u>regarding groupings of essential characteristics</u> set out in Annex VI.                                                                                                                                                                                                                                       |                 |
| Article 56(4) |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 713           | 4. Where a notification is not based on an accreditation certificate as referred to in Article 55(2), the notifying authority shall provide the Commission and the other Member States with all documentary evidence which attests to the body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 50. | 4. Where a notification is not based on an accreditation certificate as referred to in Article 55(2), the notifying authority shall provide the Commission and the other Member States with all documentary evidence which attests to the body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 50. | 4. Where a notification is not based on an accreditation certificate as referred to in Article 55(2), the notifying authority shall provide the Commission and the other Member States with all documentary evidence which attests to the body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 50. |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| Article 56(5), first subparagraph  |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 714                                | 5. A notification may become valid only where no objections are raised by the Commission or the other Member States within 2 weeks of notification, where an accreditation certificate is used, or within 2 months of notification, where an accreditation certificate is not used.                   | 5. A notification may become valid only where no objections are raised by the Commission or the other Member States within 2 weeks of notification, where an accreditation certificate is used, or within 2 months of notification, where an accreditation certificate is not used.                   | 5. <del>A notification may become valid only where no objections are raised by</del> <u>The body concerned may perform the activities of a notified body if</u> the Commission or the other Member States <u>do not raise any objections</u> within 2 weeks of <u>a</u> notification, where an accreditation certificate is used, or within 2 months of notification, where an accreditation certificate is not used. |                 |
| Article 56(5), second subparagraph |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 715                                | The notification shall become valid the day after the body is included in the list of notified bodies referred to in Article 57(2) by the Commission. The Commission shall not list a body if it is aware or becomes aware that the relevant body does not meet the requirements laid down in Article | The notification shall become valid the day after the body is included in the list of notified bodies referred to in Article 57(2) by the Commission. The Commission shall not list a body if it is aware or becomes aware that the relevant body does not meet the requirements laid down in Article | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|               | Commission Proposal                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                          | Draft Agreement |
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|               | 50.                                                                                                                                                                                                           | 50.                                                                                                                                                                                                           |                                                                                                                                                                                                                          |                 |
| Article 56(6) |                                                                                                                                                                                                               |                                                                                                                                                                                                               |                                                                                                                                                                                                                          |                 |
| 716           | 6. The body concerned may perform the activities of a notified body only after the notification has become valid. Only such a body shall be considered as a notified body for the purpose of this Regulation. | 6. The body concerned may perform the activities of a notified body only after the notification has become valid. Only such a body shall be considered as a notified body for the purpose of this Regulation. | 6. <del>The body concerned may perform the activities of a notified body only after the notification has become valid.</del> Only such a body shall be considered as a notified body for the purpose of this Regulation. |                 |
| Article 56(7) |                                                                                                                                                                                                               |                                                                                                                                                                                                               |                                                                                                                                                                                                                          |                 |
| 717           | 7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.                                                                                       | 7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.                                                                                       | 7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.                                                                                                  |                 |
| Article 57    |                                                                                                                                                                                                               |                                                                                                                                                                                                               |                                                                                                                                                                                                                          |                 |

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| 718                                | Article 57<br>Identification numbers and lists of notified bodies                              | Article 57<br>Identification numbers and lists of notified bodies                              | Article 57<br>Identification numbers and lists of notified bodies                              |                 |
| Article 57(1), first subparagraph  |                                                                                                |                                                                                                |                                                                                                |                 |
| 719                                | 1. The Commission shall assign an identification number to each notified body.                 | 1. The Commission shall assign an identification number to each notified body.                 | 1. The Commission shall assign an identification number to each notified body.                 |                 |
| Article 57(1), second subparagraph |                                                                                                |                                                                                                |                                                                                                |                 |
| 720                                | It shall assign a single such number even where the body is notified under several Union acts. | It shall assign a single such number even where the body is notified under several Union acts. | It shall assign a single such number even where the body is notified under several Union acts. |                 |
| Article 57(2), first subparagraph  |                                                                                                |                                                                                                |                                                                                                |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| 721                                | 2. The Commission shall make publicly available the list of bodies notified under this Regulation, including the identification numbers that have been allocated to them and the activities for which they have been notified, notably using the electronic notification tool developed and managed by the Commission. | 2. The Commission shall make publicly available the list of bodies notified under this Regulation, including the identification numbers that have been allocated to them and the activities for which they have been notified, notably using the electronic notification tool developed and managed by the Commission. | 2. The Commission shall make publicly available the list of bodies notified under this Regulation, including the identification numbers that have been allocated to them and the activities for which they have been notified, <del>notably using the electronic notification tool developed and managed by the Commission.</del> |                 |
| Article 57(2), second subparagraph |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                   |                 |
| 722                                | The Commission shall ensure that this list is kept up-to-date.                                                                                                                                                                                                                                                         | The Commission shall ensure that this list is kept up-to-date.                                                                                                                                                                                                                                                         | The Commission shall ensure that this list is kept up-to-date.                                                                                                                                                                                                                                                                    |                 |
| Article 58                         |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                   |                 |
| 723                                | Article 58                                                                                                                                                                                                                                                                                                             | Article 58                                                                                                                                                                                                                                                                                                             | Article 58                                                                                                                                                                                                                                                                                                                        |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|               | Changes to the notification                                                                                                                                                                                                                                                                                                                                                                             | Changes to the notification                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Changes to the notification                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 58(1) |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 724           | 1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. | 1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. <u><i>It shall immediately inform the Commission and the other Member States accordingly.</i></u> | 1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 50, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification as appropriate, depending on the seriousness of the failure to meet those requirements or to fulfil those obligations. <u><i>It shall immediately inform the Commission and the other Member States accordingly.</i></u> |                 |
| Article 58(2) |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 725           | 2. In the event of withdrawal,                                                                                                                                                                                                                                                                                                                                                                          | 2. In the event of withdrawal,                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2. In the event of <u>restriction</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | restriction or suspension of notification or where the notified body has ceased its activity, the notifying Member State concerned shall take the appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request. | restriction or suspension of notification or where the notified body has ceased its activity, the notifying Member State concerned shall take the appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request. | <del>withdrawal, restriction or suspension,</del> <u>suspension or withdrawal</u> of notification, or where the notified body has ceased its activity, the notifying Member State <del>concerned</del> shall take <del>the</del> appropriate steps to ensure that <del>the files of that body</del> <u>this body's files</u> are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request. |                 |
| Article 59    |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 726           | Article 59<br>Challenge of the competence of notified bodies                                                                                                                                                                                                                                                                                                  | Article 59<br>Challenge of the competence of notified bodies                                                                                                                                                                                                                                                                                                  | Article 59<br>Challenge of the competence of notified bodies                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| Article 59(1) |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 727           |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|               | Commission Proposal                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | 1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. | 1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. | 1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. |                 |
| Article 59(2) |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                  |                 |
| 728           | 2. The notifying Member State shall provide the Commission, on request, with all information related to the basis for notification or the maintenance of the competence of the body concerned.                                                                   | 2. The notifying Member State shall provide the Commission, on request, with all information related to the basis for notification or the maintenance of the competence of the body concerned.                                                                   | 2. The notifying Member State shall provide the Commission, on request, with all information related to the basis for notification or the maintenance of the competence of the body concerned.                                                                   |                 |
| Article 59(3) |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                  |                 |
| 729           | 3. The Commission shall ensure that all sensitive information                                                                                                                                                                                                    | 3. The Commission shall ensure that all sensitive information                                                                                                                                                                                                    | 3. The Commission shall ensure that all sensitive information                                                                                                                                                                                                    |                 |

|                | Commission Proposal                                                     | EP Mandate                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                | obtained in the course of its investigations is treated confidentially. | obtained in the course of its investigations is treated confidentially.                                                                 | obtained in the course of its investigations is treated confidentially.                                                                                                                                                                                                                                  |                 |
| Article 59(4)  |                                                                         |                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |                 |
| 729a           |                                                                         |                                                                                                                                         | <u>4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall inform the notifying Member State accordingly, and request it take the necessary corrective measures, including withdrawal of notification if necessary.</u> |                 |
| Article 59(3a) |                                                                         |                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |                 |
| 729b           |                                                                         | <u>3a. Where the Commission finds that a notified body does not meet, or no longer meets, the requirements for its notification, it</u> |                                                                                                                                                                                                                                                                                                          |                 |

|                                              | Commission Proposal                                       | EP Mandate                                                                                                                                                               | Council Mandate                                                                | Draft Agreement |
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|                                              |                                                           | <u>shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including withdrawal of notification, if necessary.</u> |                                                                                |                 |
| Article 60                                   |                                                           |                                                                                                                                                                          |                                                                                |                 |
| 730                                          | Article 60<br>Operational obligations for notified bodies | Article 60<br>Operational obligations for notified bodies                                                                                                                | Article 60<br>Operational obligations <del>for</del> <u>of</u> notified bodies |                 |
| Article 60(1), first subparagraph            |                                                           |                                                                                                                                                                          |                                                                                |                 |
| 731                                          | 1. Notified bodies shall, in accordance with Annex V:     | 1. Notified bodies shall, in accordance with Annex V:                                                                                                                    | 1. Notified bodies shall, in accordance with Annex V:                          |                 |
| Article 60(1), first subparagraph, point (a) |                                                           |                                                                                                                                                                          |                                                                                |                 |

|                                               | Commission Proposal                                            | EP Mandate                                                     | Council Mandate                                                                                | Draft Agreement |
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| 732                                           | (a) assess the performance and the conformity of products;     | (a) assess the performance and the conformity of products;     | (a) assess the performance and the conformity of products;                                     |                 |
| Article 60(1), first subparagraph, point (b)  |                                                                |                                                                |                                                                                                |                 |
| 733                                           | (b) verify the conformity of products and of the manufacturer; | (b) verify the conformity of products and of the manufacturer; | (b) verify the conformity of products and <del>of the manufacturer</del> ;                     |                 |
| Article 60(1), first subparagraph, point (ba) |                                                                |                                                                |                                                                                                |                 |
| 733a                                          |                                                                |                                                                | <u>(ba) verify the compliance of the manufacturer with the obligations of this Regulation;</u> |                 |
| Article 60(1), first subparagraph, point (c)  |                                                                |                                                                |                                                                                                |                 |
| 734                                           |                                                                |                                                                |                                                                                                |                 |

|                                              | Commission Proposal                                                                                     | EP Mandate                                                                                              | Council Mandate                                                                                         | Draft Agreement |
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|                                              | (c) verify the constancy of performance of products;                                                    | (c) verify the constancy of performance of products;                                                    | (c) verify the constancy of performance of products;                                                    |                 |
| Article 60(1), first subparagraph, point (d) |                                                                                                         |                                                                                                         |                                                                                                         |                 |
| 735                                          | (d) verify the calculation of environmental sustainability calculations undertaken by the manufacturer. | (d) verify the calculation of environmental sustainability calculations undertaken by the manufacturer. | (d) verify the calculation of environmental sustainability calculations undertaken by the manufacturer. |                 |
| Article 60(1), second subparagraph           |                                                                                                         |                                                                                                         |                                                                                                         |                 |
| 736                                          | These tasks are hereafter referred to as “assessments and verifications”.                               | These tasks are hereafter referred to as “assessments and verifications”.                               | These tasks are hereafter referred to as “assessments and verifications”.                               |                 |
| Article 60(2), first subparagraph            |                                                                                                         |                                                                                                         |                                                                                                         |                 |
| 737                                          |                                                                                                         |                                                                                                         |                                                                                                         |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                    | 2. Assessments and verifications shall be carried out with transparency as regards the manufacturer, and in a proportionate manner, avoiding an unnecessary burden for economic operators. The notified bodies shall perform their activities taking due account of the size of the undertaking, the sector in which the undertaking operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. | 2. Assessments and verifications shall be carried out with transparency as regards the manufacturer, and in a proportionate manner, avoiding an unnecessary burden for economic operators. The notified bodies shall perform their activities taking due account of the size of the undertaking, the sector in which the undertaking operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. | 2. Assessments and verifications shall be carried out with transparency as regards the manufacturer, and in a proportionate manner, avoiding an unnecessary burden for economic operators. The notified bodies shall perform their activities taking due account of the size of the undertaking, the sector in which the undertaking operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. |                 |
| Article 60(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 738                                | In so doing, the notified bodies shall nevertheless respect the degree of rigour required for the product by this Regulation and the part played by the product for the fulfilment of all basic requirements for construction works.                                                                                                                                                                                                                                                  | In so doing, the notified bodies shall nevertheless respect the degree of rigour required for the product by this Regulation and the part played by the product for the fulfilment of all basic requirements for construction works.                                                                                                                                                                                                                                                  | In so doing, the notified bodies shall nevertheless respect the degree of rigour required for the product by this Regulation and the part played by the product for the fulfilment of all basic requirements for construction works.                                                                                                                                                                                                                                                  |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| Article 60(3) |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 739           | 3. Where, in the course of the initial inspection of the manufacturing plant and of factory production control, a notified body finds that the manufacturer has not ensured the constancy of performance and conformity of the manufactured product, it shall require the manufacturer to take appropriate corrective measures and shall not issue a certificate. | 3. Where, in the course of the initial inspection of the manufacturing plant and of factory production control, a notified body finds that the manufacturer has not ensured the constancy of performance and conformity of the manufactured product, it shall require the manufacturer to take appropriate corrective measures and shall not issue a certificate. | 3. Where, in the course of the initial inspection of the manufacturing plant and of factory production control, a notified body finds that the manufacturer has not ensured the constancy of performance and conformity of the manufactured product, it shall require the manufacturer to take appropriate corrective measures and shall not issue a certificate <u>or a validation report</u> . |                 |
| Article 60(4) |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 740           | 4. Where, in the course of the monitoring activity aiming at the verification of conformity and of the constancy of performance of the manufactured product, a notified body finds that a product no longer has the same performance to that of the product-                                                                                                      | 4. Where, in the course of the monitoring activity aiming at the verification of conformity and of the constancy of performance of the manufactured product, a notified body finds that a product no longer has the same performance to that of the product-                                                                                                      | 4. Where, in the course of the monitoring activity aiming at the verification of conformity and of the constancy of performance of the manufactured product, a notified body finds that a product no longer has the same performance to that of the product-                                                                                                                                     |                 |

|               | Commission Proposal                                                                                                                                                    | EP Mandate                                                                                                                                                             | Council Mandate                                                                                                                                                                                      | Draft Agreement |
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|               | type, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw its certificate if necessary.                            | type, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw its certificate if necessary.                            | type, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw <del>its</del> <u>the certificate or the validation report</u> if necessary.           |                 |
| Article 60(5) |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                      |                 |
| 741           | 5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate. | 5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate. | 5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates <u>or validation reports</u> , as appropriate. |                 |
| Article 60(6) |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                      |                 |
| 742           | 6. When taking assessment decisions, including when deciding on the need to suspend or withdraw a certificate or approval decisions in light of possible non-          | 6. When taking assessment decisions, including when deciding on the need to suspend or withdraw a certificate or approval decisions in light of possible non-          | <i>deleted</i>                                                                                                                                                                                       |                 |

|               | Commission Proposal                                                                                     | EP Mandate                                                                  | Council Mandate                                                                | Draft Agreement |
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|               | compliances, notified bodies shall apply clear and pre-determined criteria.                             | compliances, notified bodies shall apply clear and pre-determined criteria. |                                                                                |                 |
| Article 60(7) |                                                                                                         |                                                                             |                                                                                |                 |
| 743           | 7. Notified bodies shall ensure rotation between the personnel carrying out different assessment tasks. | <i>deleted</i>                                                              | <i>deleted</i>                                                                 |                 |
| Article 61    |                                                                                                         |                                                                             |                                                                                |                 |
| 744           | Article 61<br>Information obligations for notified bodies                                               | Article 61<br>Information obligations for notified bodies                   | Article 61<br>Information obligations <del>for</del> <u>of</u> notified bodies |                 |
| Article 61(1) |                                                                                                         |                                                                             |                                                                                |                 |

|                          | Commission Proposal                                                             | EP Mandate                                                                      | Council Mandate                                                                 | Draft Agreement |
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| 745                      | 1. Notified bodies shall inform the notifying authority of the following:       | 1. Notified bodies shall inform the notifying authority of the following:       | 1. Notified bodies shall inform the notifying authority of the following:       |                 |
| Article 61(1), point (a) |                                                                                 |                                                                                 |                                                                                 |                 |
| 746                      | (a) any refusal, restriction, suspension or withdrawal of certificates;         | (a) any refusal, restriction, suspension or withdrawal of certificates;         | (a) any refusal, restriction, suspension or withdrawal of certificates;         |                 |
| Article 61(1), point (b) |                                                                                 |                                                                                 |                                                                                 |                 |
| 747                      | (b) any circumstances affecting the scope of, and conditions for, notification; | (b) any circumstances affecting the scope of, and conditions for, notification; | (b) any circumstances affecting the scope of, and conditions for, notification; |                 |
| Article 61(1), point (c) |                                                                                 |                                                                                 |                                                                                 |                 |

|                          | Commission Proposal                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                            | Draft Agreement |
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| 748                      | (c) any request for information on assessment or verification activities carried out which they have received from market surveillance authorities; and                                                                                    | (c) any request for information on assessment or verification activities carried out which they have received from market surveillance authorities; and                                                                                    | (c) any request for information on assessment or verification activities carried out which they have received from market surveillance authorities; and                                                                                    |                 |
| Article 61(1), point (d) |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                 |
| 749                      | (d) on request, third party tasks in accordance with the systems of assessment and verification carried out within the scope of their notification and any other activity performed, including cross-border activities and subcontracting. | (d) on request, third party tasks in accordance with the systems of assessment and verification carried out within the scope of their notification and any other activity performed, including cross-border activities and subcontracting. | (d) on request, third party tasks in accordance with the systems of assessment and verification carried out within the scope of their notification and any other activity performed, including cross-border activities and subcontracting. |                 |
| Article 61(2)            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                 |
| 750                      | 2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar                                                                                                                                      | 2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar                                                                                                                                      | 2. Notified <del>bodies</del> <u>body</u> shall provide the other bodies notified under this Regulation carrying out                                                                                                                       |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               | third party tasks in accordance with the assessment and verification systems and for products covered by the same harmonised technical specification with relevant information on issues relating to negative and, on request, positive results from these assessments verifications, and therein in particular any refusal, restriction, suspension, or withdrawal of certificates or test reports. On request from other notified bodies or an authority, a notified body shall confirm the status of certificates or test reports issued by it. | third party tasks in accordance with the assessment and verification systems and for products covered by the same harmonised technical specification with relevant information on issues relating to negative and, on request, positive results from these assessments verifications, and therein in particular any refusal, restriction, suspension, or withdrawal of certificates or test reports. On request from other notified bodies or an authority, a notified body shall confirm the status of certificates or test reports issued by it. | <p>similar third party tasks in accordance with the assessment and verification systems and for products covered by the same harmonised technical specification with relevant information on issues relating to negative <del>and, on request, positive</del> results from these assessments <del>verifications, and therein</del> <u>and verifications</u>, in particular, any refusal, restriction, suspension, or withdrawal of certificates or test reports. <del>On</del> <u>and, upon</u> request, <u>positive results from these assessments</u>.</p> <p><del>A from other</del> notified <del>bodies or an authority, a</del> body shall, <u>upon request from another</u> notified body <del>shall confirm the status of</del> <u>inform the requesting body whether</u> certificates or test reports issued by it <u>are valid, restricted, suspended, or withdrawn</u>.</p> |                 |
| Article 61(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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| 751           | 3. Where the Commission or the market surveillance authority of a Member State submits a request to a notified body established on the territory of another Member State relating to an assessment carried out by that notified body, it shall send a copy of that request to the notifying of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body unless there is a legitimate reason for not doing so. | 3. Where the Commission or the market surveillance authority of a Member State submits a request to a notified body established on the territory of another Member State relating to an assessment carried out by that notified body, it shall send a copy of that request to the notifying of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body unless there is a legitimate reason for not doing so. | 3. Where the Commission or the market surveillance authority of a Member State submits a request to a notified body established on the territory of another Member State relating to an assessment carried out by that notified body, it shall send a copy of that request to the notifying <u>authority</u> of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body <del>unless there is a legitimate reason for not doing so.</del> |                 |
| Article 61(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 752           | 4. 4. Notified bodies shall share with the market surveillance or notifying authority concerned, as appropriate, evidence on all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                               | 4. 4. Notified bodies shall share with the market surveillance or notifying authority concerned, as appropriate, evidence on all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                               | 4. <del>4.—Where</del> notified bodies <del>shall share with the market surveillance or notifying authority concerned, as appropriate,</del> <u>have or receive</u> evidence <del>on all of the following</del> <u>that</u>                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                          | Commission Proposal                                                                                         | EP Mandate                                                                                                  | Council Mandate                                                                                             | Draft Agreement |
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| Article 61(4), point (a) |                                                                                                             |                                                                                                             |                                                                                                             |                 |
| 753                      | (a) another notified body does not comply with the requirements laid down in Article 50 or its obligations; | (a) another notified body does not comply with the requirements laid down in Article 50 or its obligations; | (a) another notified body does not comply with the requirements laid down in Article 50 or its obligations; |                 |
| Article 61(4), point (b) |                                                                                                             |                                                                                                             |                                                                                                             |                 |
| 754                      | (b) a product placed on the market does not comply with this Regulation;                                    | (b) a product placed on the market does not comply with this Regulation;                                    | (b) a product placed on the market does not comply with this Regulation;                                    |                 |
| Article 61(4), point (c) |                                                                                                             |                                                                                                             |                                                                                                             |                 |
| 755                      | (c) a product placed on the market,                                                                         | (c) a product placed on the market,                                                                         | (c) a product placed on the market,                                                                         |                 |



|                                                | Commission Proposal                                                        | EP Mandate                                                        | Council Mandate                                                                                                               | Draft Agreement |
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|                                                | due to its physical condition, is likely to cause a serious risk.          | due to its physical condition, is likely to cause a serious risk. | due to its physical condition, is <del>likely to cause</del> <u>presenting</u> a serious risk.;                               |                 |
| Article 61(4), point (ba), second subparagraph |                                                                            |                                                                   |                                                                                                                               |                 |
| 755a                                           |                                                                            |                                                                   | <u>they shall alert and share such evidence with the relevant market surveillance or notifying authority, as appropriate.</u> |                 |
| Article 62                                     |                                                                            |                                                                   |                                                                                                                               |                 |
| 756                                            | Article 62<br>Implementing acts on notified bodies' obligations and rights | <i>deleted</i>                                                    | Article 62<br>Implementing acts on notified bodies' obligations <del>and rights</del> .                                       |                 |
| Article 62, first paragraph                    |                                                                            |                                                                   |                                                                                                                               |                 |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 757                          | Where this is necessary to ensure a harmonised application of this Regulation and only to the extent necessary to prevent diverging practices leading to unequal treatment of and creating an uneven playing field for economic operators, the Commission may, adopt implementing acts providing details on how to execute the obligations of notified bodies contained in Articles 60 and 61. | <i>deleted</i> | Where this is necessary to ensure a harmonised application of this Regulation and <del>only to the extent necessary to prevent</del> <u>no resolution of the dispute of the</u> diverging practices <del>leading to unequal treatment of and creating an uneven playing field</del> <u>was achieved in the group of notifying and designating authorities, in accordance with Article 49a, and only to the extent necessary to prevent diverging practices fragmenting the internal market</u> for economic operators, the Commission may <del>;</del> adopt implementing acts providing details on how to execute the obligations of notified bodies contained in Articles 60 and 61. |                 |
| Article 62, second paragraph |                                                                                                                                                                                                                                                                                                                                                                                                |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 758                          | Those implementing acts shall be adopted in accordance with                                                                                                                                                                                                                                                                                                                                    |                | Those implementing acts shall be adopted in accordance with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                             | examination procedure referred to in Article 88(2).                                                                                                                                                                                                                                                                                                     | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                              | examination procedure referred to in Article 88(2).                                                                                                                                                                                                                                                                                                                                                                  |                 |
| Article 63                  |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 759                         | Article 63<br>Coordination of notified bodies                                                                                                                                                                                                                                                                                                           | Article 63<br>Coordination of notified bodies                                                                                                                                                                                                                                                                                                                                               | Article 63<br>Coordination of notified bodies                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 63, first paragraph |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 760                         | The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation. | The Commission shall ensure that appropriate coordination and cooperation between bodies notified pursuant to Article 47 are put into place and properly operated in the form of a group of notified bodies. <u>Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.</u> Coordination and | <u>1.</u> The Commission shall ensure that appropriate coordination and cooperation between bodies notified <del>pursuant to Article 47</del> <u>under this Regulation</u> are put into place and properly operated in the form of a group of notified bodies. <del>Coordination and cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.</del> |                 |

|                              | Commission Proposal                                                                                                | EP Mandate                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                         | Draft Agreement |
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|                              |                                                                                                                    | cooperation in the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.                              |                                                                                                                                                                                                                                                         |                 |
| Article 63, second paragraph |                                                                                                                    |                                                                                                                                                        |                                                                                                                                                                                                                                                         |                 |
| 761                          | Notified bodies shall participate in the work of that group, directly or by means of designated representatives.   | <i>deleted</i>                                                                                                                                         | Notified bodies shall participate in the work of that group, directly or by means of designated representatives.                                                                                                                                        |                 |
| Article 63, third paragraph  |                                                                                                                    |                                                                                                                                                        |                                                                                                                                                                                                                                                         |                 |
| 762                          | Notified bodies shall apply as general guidance the administrative decisions and documents produced by that group. | Notified bodies shall <del>apply</del> <u>take into account</u> as general guidance the administrative decisions and documents produced by that group. | <u>2.</u> Notified bodies shall apply as <u>a</u> general guidance <u>any relevant documents produced as a result of the work of the group referred to in paragraph 1</u> <del>the administrative decisions and documents produced by that group.</del> |                 |

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| Article 63, third paragraph a |                                                          |                                                          |                                                                                                                                                     |                 |
| 762a                          |                                                          |                                                          | <u>3. Coordination and cooperation in the group referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation.</u> |                 |
| CHAPTER VII                   |                                                          |                                                          |                                                                                                                                                     |                 |
| 763                           | CHAPTER VII<br>SIMPLIFIED PROCEDURES                     | CHAPTER VII<br>SIMPLIFIED PROCEDURES                     | CHAPTER VII<br>SIMPLIFIED PROCEDURES                                                                                                                |                 |
| Article 64                    |                                                          |                                                          |                                                                                                                                                     |                 |
| 764                           | Article 64<br>Use of appropriate technical documentation | Article 64<br>Use of appropriate technical documentation | Article 64<br>Use of appropriate technical documentation                                                                                            |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 64(1)            |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 765                      | 1. A manufacturer may replace type testing by appropriate technical documentation demonstrating that:                                                                                                                                                                                                                                                                                               | 1. A manufacturer may replace type testing <u>or type calculation</u> by appropriate technical documentation demonstrating that:                                                                                                                                                                                                                                                                                | 1. A manufacturer may replace type testing <u>with a specific section in the</u> <del>by appropriate</del> technical documentation <u>referred to in Article 21(3)</u> demonstrating that:                                                                                                                                                                                                                                                                     |                 |
| Article 64(1), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 766                      | (a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is 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 to that end in the relevant harmonised technical specification or a Commission act; or | (a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is 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 to that end in the relevant harmonised technical specification <del>or a Commission act</del> ; or | (a) for one or several essential characteristics of the product, which the manufacturer places on the market, that product is 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 <del>to that end</del> in the <u>delegated acts adopted pursuant to Article 4a(3)</u> <del>relevant harmonised technical specification or a</del> |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| Article 64(1), point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 767                      | <p>(b) the product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a system or of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the</p> | <p>(b) the product, covered by a harmonised technical specification <u>or by a European technical assessment</u>, which the manufacturer places on the market is a system made of items, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual items, given by the provider of such a system or <u>supplier</u> of a component thereof, who has already tested that system or that item for one or several of its essential characteristics in accordance with the relevant harmonised technical specification <u>or the European technical assessment</u>. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare</p> | <p>(b) the product, covered by a harmonised technical specification <u>or a European assesment document</u>, which the manufacturer places on the market is a system made of <del>items</del> <u>components</u>, which the manufacturer assembles duly following precise instructions, including compatibility criteria in case of individual <del>items</del> <u>components</u>, given by the provider of such a system or of a component thereof, who has already tested that system or that <del>item</del> <u>component</u> for one or several of its essential characteristics in accordance with the relevant harmonised technical specification. When these conditions are satisfied and when the manufacturer has notably verified that the precise compatibility criteria of the provider are met, the manufacturer is entitled to declare performance</p> |                 |

|                           | Commission Proposal   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                          | Draft Agreement |
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|                           | item provided to him. | performance corresponding to all or part of the test results for the system or the item provided to <del>him</del> <u>them; or</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | corresponding to all or part of the test results for the system or the <del>item</del> <u>component</u> provided to him. |                 |
| Article 64(1), point (ba) |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                          |                 |
| 767a                      |                       | <u>(ba) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When those conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained the authorisation of that manufacturer, who remains responsible for the accuracy,</u> |                                                                                                                          |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                     | <u>reliability and stability of those test results.</u>                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 64(2) |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 768           | 2. If the product referred to in paragraph 1 belongs to a family or category of products for which the applicable assessment and verification system is system 1 + or 1, as set out in Annex V, a notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1. | 2. If the product referred to in paragraph 1 belongs to a family or category of products for which the applicable assessment and verification system is system 1 + or 1, as set out in Annex V, a notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1. | 2. If the product referred to in paragraph 1 belongs to a family or category of products for which the applicable assessment and verification system is system 1 + or 1, as set out in Annex V, a notified body or TAB shall, in <u>place of the assessment of the performance of the product</u> <del>addition to the tasks</del> set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1. |                 |
| Article 65    |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 769           | Article 65                                                                                                                                                                                                                                                                                                                                                          | Article 65                                                                                                                                                                                                                                                                                                                                                          | <del>Article 65</del>                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|                      | Use of simplified procedures by micro-enterprises                                                                                                                                                                                                                                                                                                                                      | Use of simplified procedures by micro-enterprises                                                                                                                                                                                                                                                                                                                                      | <i>deleted</i>  |                 |
| <i>Article 65(1)</i> |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 770                  | 1. Micro-enterprises manufacturing products covered by a harmonised technical specification may treat products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses this simplified procedure, the manufacturer shall demonstrate compliance of the product with the applicable requirements by means of a Specific Technical Documentation. | 1. Micro-enterprises manufacturing products covered by a harmonised technical specification may treat products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses this simplified procedure, the manufacturer shall demonstrate compliance of the product with the applicable requirements by means of a Specific Technical Documentation. | <i>deleted</i>  |                 |
| <i>Article 65(2)</i> |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 771                  | 2. The fulfilment of the                                                                                                                                                                                                                                                                                                                                                               | 2. The fulfilment of the                                                                                                                                                                                                                                                                                                                                                               |                 |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                      | requirements of this Article shall be assessed and confirmed by a TAB or a notified body.                                                                                                                                                                                                                                                          | requirements of this Article shall be assessed and confirmed by a TAB or a notified body. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| <i>Article 66</i>    |                                                                                                                                                                                                                                                                                                                                                    |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 772                  | Article 66<br>Custom-made non-series products                                                                                                                                                                                                                                                                                                      | <i>deleted</i>                                                                            | Article 66<br>Custom-made non-series products                                                                                                                                                                                                                                                                                                                                                                      |                 |
| <i>Article 66(1)</i> |                                                                                                                                                                                                                                                                                                                                                    |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 773                  | 1. In relation to products covered by a harmonised technical specification and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work by manufacturers who are also responsible for the safe incorporation of those products | <i>deleted</i>                                                                            | 1. <del>In relation to products</del> <u>For a product</u> covered by a harmonised technical specification and which <del>are</del> <u>is</u> individually manufactured or custom-made in a non-series process in response to a specific order, <del>and which are installed in a single identified construction work by manufacturers who are</del> <u>by a manufacturer who is</u> also responsible for the safe |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|               | <p>into construction works, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements and providing data equivalent to those required by this Regulation and the applicable harmonised technical specifications. Equivalence is given where all the data needed and requirements applicable to the particular construction work and its future dismantling, including reuse, remanufacturing and recycling of its installed products, are provided or fulfilled on the basis of state-of-the-art methods.</p> |            | <p>incorporation of <del>those products</del> <u>into that product into a</u> construction <del>works</del> <u>work</u>, the performance assessment part of the applicable system, as set out in Annex V, may be replaced <u>by specific section in the technical documentation referred to in Article 21(3) where the manufacturer demonstrates the</u> <del>by the manufacturer by Specific Technical Documentation demonstrating</del> compliance of that product with <del>the</del> <u>applicable</u> requirements and <del>providing</del> <u>provides</u> data equivalent to those required by this Regulation and the applicable harmonised technical specifications. Equivalence is given where all the data needed and requirements applicable to the particular construction work and its future dismantling, including reuse, remanufacturing and recycling of its installed products, are provided or fulfilled on the basis of state-of-the-art methods.</p> |                 |
| Article 66(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

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| 774           | 2. A notified body or TAB shall, in addition to the tasks set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1. | <i>deleted</i>                                                                    | 2. <u>If the product referred to in paragraph 1 belongs to a family or category of products for which the applicable assessment and verification system is system 1 +, 1 or 3, as set out in Annex V,</u> a notified body or TAB shall, in <u>place of the assessment of the performance of the product</u> <del>addition to the tasks</del> set out in Annex V, assess and certify the correct fulfilment of the obligations referred to in paragraph 1. |                 |
| Article 67    |                                                                                                                                                                        |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 775           | Article 67<br>Recognition of assessment and verification by another notified body                                                                                      | Article 67<br>Recognition of assessment and verification by another notified body | Article 67<br><u>Sharing and</u> recognition of assessment and verification by another notified body                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 67(0) |                                                                                                                                                                        |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |

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| 775a                              |                     |            | <p><u>0. A manufacturer may refrain from carrying out the performance assessment of a certain product when provided for in Annex V and instead use the result of an assessment performed by another manufacturer when the product-type corresponds to the one which is to be placed on the market. The manufacturer may use assessment results obtained by the other manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those assessment results. Where a notified body is involved in the assessment and verification of a product, the notified body shall decide if such shared assessment results can be used as a basis for the notified body's decision to issue a certificate.</u></p> |                 |
| Article 67(1), first subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| 776                                          | 1. A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where: | 1. A notified body (hereafter: recognising notified body) may refrain from the assessment and verification of a certain item to be assessed or verified in accordance with this Regulation and recognise the assessment and verification undertaken by another notified body for the same economic operator where <u>all of the following applies</u> : | 1. <del>A notified body (hereafter: recognising</del> <u>When a</u> notified body) <del>may refrain from the assessment and verification of</del> <u>shall assess and verify</u> a certain <del>item to be assessed or verified in accordance with this Regulation</del> <u>product according to Annex V, it may refrain from the assessment and verification</u> and recognise the assessment and verification undertaken by another notified body for the same <u>or another</u> economic operator where <u>all of the following applies</u> : |                 |
| Article 67(1), first subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 777                                          | (a) the item has been correctly assessed and verified by the other notified body which is - whilst being rebuttable - to be assumed where the respective report does not contain any information suggesting an error;                                                                                              | (a) the item has been correctly assessed and verified by the other notified body which is - whilst being rebuttable - to be assumed where the respective report does not contain any information suggesting an error;                                                                                                                                   | (a) the <del>item</del> <u>product</u> has been correctly assessed and verified by the other notified body <del>which is - whilst being rebuttable - to be assumed where the respective report does not contain any information suggesting an error;</del>                                                                                                                                                                                                                                                                                       |                 |

|                                              | Commission Proposal                                                                                                                                                                                | EP Mandate                                                                                                                         | Council Mandate                                                                                                                                                                                                           | Draft Agreement |
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| Article 67(1), first subparagraph, point (b) |                                                                                                                                                                                                    |                                                                                                                                    |                                                                                                                                                                                                                           |                 |
| 778                                          | (b) there is an agreement in place between the two notified bodies obliging them to share all information regarding the assessment and verification and their respective certificates and reports; | <i>deleted</i>                                                                                                                     | (b) there is an agreement in place between the <del>two</del> notified bodies obliging them to share all information regarding the assessment and verification <del>and their respective certificates and reports</del> ; |                 |
| Article 67(1), first subparagraph, point (c) |                                                                                                                                                                                                    |                                                                                                                                    |                                                                                                                                                                                                                           |                 |
| 779                                          | (c) the assessed or verified economic operator agrees to share all relevant data and documents with the recognising notified body;                                                                 | (c) the assessed or verified economic operator agrees to share all relevant data and documents with the recognising notified body; | (c) the assessed or verified economic operator agrees to share all relevant data and documents with the recognising notified body;                                                                                        |                 |
| Article 67(1), first subparagraph, point (d) |                                                                                                                                                                                                    |                                                                                                                                    |                                                                                                                                                                                                                           |                 |



|                                    | Commission Proposal                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                 | Draft Agreement |
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| 780                                | (d) the validity of the certificate is limited to the validity of the certificate issued by the other notified body.                                                                                                                                    | (d) the validity of the certificate is limited to the validity of the certificate issued by the other notified body.                                                                                                                                    | (d) the validity of the certificate is limited to the validity of the certificate issued by the other notified body.                                                                                                                                                                            |                 |
| Article 67(1), second subparagraph |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                 |                 |
| 781                                | This paragraph shall also apply to test reports that are not followed by a certification and to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. | This paragraph shall also apply to test reports that are not followed by a certification and to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. | This paragraph shall also apply to <del>test</del> <u>validation</u> reports <del>that are not followed by a certification</del> and to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. |                 |
| Article 67(2), first subparagraph  |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                 |                 |
| 782                                | 2. Where the notified body wishes to recognise an assessment or verification undertaken by another                                                                                                                                                      | 2. Where the notified body wishes to recognise an assessment or verification undertaken by another                                                                                                                                                      | 2. Where the notified body wishes to recognise an assessment or verification undertaken by another                                                                                                                                                                                              |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                                              | notified body in relation to an economic operator for which only the other notified body is in charge (“other economic operator”), and provided that there is additionally an agreement in place between the two economic operators that ensures the free flow of all information between them and the notified bodies in view of ensuring compliance with this Regulation, the recognition shall only be possible with regard to the following: | notified body in relation to an economic operator for which only the other notified body is in charge (“other economic operator”), and provided that there is additionally an agreement in place between the two economic operators that ensures the free flow of all information between them and the notified bodies in view of ensuring compliance with this Regulation, the recognition shall only be possible with regard to the following: | notified body in relation to an economic operator for which only the other notified body is in charge ( <del>“other economic operator”</del> ), and <del>provided that</del> , <u>the recognition shall only be possible if</u> there is <del>additionally</del> an agreement in place between the two economic operators that ensures the free flow of all information between them and the notified bodies in view of ensuring compliance with this Regulation. <del>the recognition shall only be possible with regard to the following:</del> |                 |
| Article 67(2), first subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 783                                          | (a) with regard to the verification of the environmental sustainability calculation of the other economic operator, namely supplier or service provider, and their respective supplied goods or services, or                                                                                                                                                                                                                                     | (a) with regard to the verification of the environmental sustainability calculation of the other economic operator, namely supplier or service provider, and their respective supplied goods or services, or                                                                                                                                                                                                                                     | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |

|                                                     | Commission Proposal                                                                                                                                                                        | EP Mandate                                                                                                                                                                                 | Council Mandate                                                                                                                                                                            | Draft Agreement |
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| <i>Article 67(2), first subparagraph, point (b)</i> |                                                                                                                                                                                            |                                                                                                                                                                                            |                                                                                                                                                                                            |                 |
| 784                                                 | (b) with regard to components where these components do not constitute the entire product.                                                                                                 | (b) with regard to components where these components do not constitute the entire product.                                                                                                 | <i>deleted</i>                                                                                                                                                                             |                 |
| <i>Article 67(2), second subparagraph</i>           |                                                                                                                                                                                            |                                                                                                                                                                                            |                                                                                                                                                                                            |                 |
| 785                                                 | This paragraph shall also apply to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. | This paragraph shall also apply to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. | This paragraph shall also apply to assessments of calculation of the environmental sustainability undertaken under Regulation (EU) ... [Regulation on ecodesign for sustainable products]. |                 |
| CHAPTER VIII                                        |                                                                                                                                                                                            |                                                                                                                                                                                            |                                                                                                                                                                                            |                 |
| 786                                                 | CHAPTER VIII<br>MARKET SURVEILLANCE<br>AND SAFEGUARD                                                                                                                                       | CHAPTER VIII<br>MARKET SURVEILLANCE<br>AND SAFEGUARD                                                                                                                                       | CHAPTER VIII<br>MARKET SURVEILLANCE<br>AND SAFEGUARD                                                                                                                                       |                 |

|               | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                       | Draft Agreement |
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|               | PROCEDURES                                                                                                                                                            | PROCEDURES                                                                                                                                                                                                                                                                                                                                                           | PROCEDURES                                                                                                                                                            |                 |
| Article 68    |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                       |                 |
| 787           | Article 68<br>Complaint Portal                                                                                                                                        | Article 68<br>Complaint Portal                                                                                                                                                                                                                                                                                                                                       | Article 68<br>Complaint Portal                                                                                                                                        |                 |
| Article 68(1) |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                       |                 |
| 788           | 1. The Commission shall set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation. | 1. <u>Without prejudice to the obligations of economic operators under this Regulation and the activities of market surveillance authorities under Regulation 2019/1020,</u> the Commission shall, <u>in addition,</u> set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation. | 1. The Commission shall set up a system allowing any natural or legal person to share complaints or reports related to possible non-compliances with this Regulation. |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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| Article 68(2)  |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 789            | 2. Where the Commission consider a complaint or report relevant and substantiated, it shall assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020. | 2. Where the Commission <del>consider</del> <u>considers</u> a complaint or report relevant and substantiated <u>based on clearly defined criteria</u> , it shall <u>without undue delay</u> assign it to a market surveillance authority for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020. | 2. Where the Commission <del>consider</del> <u>considers</u> a complaint or report relevant and substantiated, it shall <del>assign</del> <u>transmit</u> it to <del>a market surveillance authority</del> <u>the single liaison point of the Member State concerned</u> for it to follow-up with the relevant natural or legal person in accordance with Article 11(7), point (a) of Regulation (EU) 2019/1020. |                 |
| Article 68(2a) |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 789a           |                                                                                                                                                                                                                                                                                  | <u>2a. As regards construction products that might present a risk to the health and safety of consumers, any interested natural or legal person shall have the possibility to inform the Commission through a separate section of the Safety Gate Portal. The Commission shall give due</u>                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|                |                     | <u><i>consideration to the information received and, after verification of its accuracy, where appropriate, forward that information to the relevant Member State's market surveillance authority without undue delay to ensure that those complaints are appropriately followed-up.</i></u> |                 |                 |
| Article 68(2b) |                     |                                                                                                                                                                                                                                                                                              |                 |                 |
| 789b           |                     | <u><i>2b. The Commission shall adopt implementing acts establishing the criteria and the timeline referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).</i></u>                       |                 |                 |
| Article 69     |                     |                                                                                                                                                                                                                                                                                              |                 |                 |
| 790            |                     |                                                                                                                                                                                                                                                                                              |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                  | Draft Agreement |
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|               | Article 69<br><br>Competent authorities                                                                                                                                                                               | Article 69<br><br>Competent authorities                                                                                                                                                                               | Article 69<br><br><del>Competent authorities</del> <u>Single liaison point</u>                                                                                                                   |                 |
| Article 69(1) |                                                                                                                                                                                                                       |                                                                                                                                                                                                                       |                                                                                                                                                                                                  |                 |
| 791           | 1. Member States shall designate, amongst their market surveillance authorities, one or more ‘competent authorities’ that dispose of the particular knowledge needed to assess products both technically and legally. | 1. Member States shall designate, amongst their market surveillance authorities, one or more ‘competent authorities’ that dispose of the particular knowledge needed to assess products both technically and legally. | <i>deleted</i>                                                                                                                                                                                   |                 |
| Article 69(2) |                                                                                                                                                                                                                       |                                                                                                                                                                                                                       |                                                                                                                                                                                                  |                 |
| 792           | 2. Member States shall designate, amongst their competent authorities, the ‘national competent authority’ which is the focal point for contacts with other Member                                                     | 2. Member States shall designate, amongst their competent authorities, the ‘national competent authority’ which is the <del>focal</del> <u>single point of contact for communication</u> <del>for contacts</del> with | 2. Member States shall designate, <del>amongst their competent authorities, the ‘national competent authority’</del> <u>a single liaison point amongst their market surveillance authorities</u> |                 |

|                | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                | States.             | other Member States.                                                                                                                                                                                                                                       | which <del>is</del> <u>shall act as</u> the focal point for contacts with <u>the Commission and market surveillance authorities of</u> other Member States <u>which are competent under this Regulation, including for requests pursuant to Articles 22, 23 and 24 of Regulation (EU) 2019/1020.</u> |                 |
| Article 69(2a) |                     |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      |                 |
| 792a           |                     | <u>2a. The designated competent authorities shall have all the powers listed in Article 14(4) of Regulation (EU) 2019/1020. These powers shall be, for the purposes of this Regulation, extended to all economic operators covered by this Regulation.</u> |                                                                                                                                                                                                                                                                                                      |                 |
| Article 69(2b) |                     |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      |                 |
| 792b           |                     |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                      |                 |



|                                   | Commission Proposal                                                                                                                                                | EP Mandate                                                                                                                                                                                                                | Council Mandate                                                                                                                                                            | Draft Agreement |
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|                                   |                                                                                                                                                                    | <u>2b. For the purpose of market surveillance, investigation and enforcement, competent authorities shall have the power to request from other public authorities or bodies relevant information in their possession.</u> |                                                                                                                                                                            |                 |
| Article 70                        |                                                                                                                                                                    |                                                                                                                                                                                                                           |                                                                                                                                                                            |                 |
| 793                               | Article 70<br><br>Procedure to deal with non-compliances                                                                                                           | Article 70<br><br>Procedure to deal with <del>non-compliances</del> <u>non-compliance</u>                                                                                                                                 | Article 70<br><br>Procedure to deal with <del>non-compliances</del> <u>non-compliant products</u>                                                                          |                 |
| Article 70(1), first subparagraph |                                                                                                                                                                    |                                                                                                                                                                                                                           |                                                                                                                                                                            |                 |
| 794                               | 1. Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a construction products standard or | 1. Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a <del>construction products</del>                                                         | 1. Where a market surveillance authority of one Member State has sufficient reason to believe that certain products covered by a <del>construction products standard</del> |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                    | for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.                            | <del>standard</del> <u>harmonised technical specification</u> or for which a European technical assessment has been issued, or its manufacturer, is non-compliant, it shall carry out an evaluation in relation to the products and the manufacturer concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities. | <u>harmonised technical specification</u> or for which a European technical assessment has been issued, <del>or its manufacturer,</del> is non-compliant, it shall carry out an evaluation in relation to the products <del>and the manufacturer</del> concerned covering the respective requirements laid down by this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.                          |                 |
| Article 70(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 795                                | Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or himself into compliance with those | Where, in the course of that evaluation, the market surveillance authority finds that the products or its manufacturer does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant economic operators to take all appropriate and proportionate corrective actions to bring the products or <del>himself</del> <u>their manufacturer</u> into                        | Where, in the course of that evaluation, the market surveillance authority finds that the products <del>or its manufacturer does</del> <u>do</u> not comply with the requirements <del>and obligations</del> laid down in this Regulation, it shall without delay require the relevant economic <del>operators</del> <u>operator</u> to take <del>all</del> appropriate and proportionate corrective actions, <u>as provided for in Article 16(3) of Regulation</u> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                   | requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020. | compliance with those requirements and obligations or to withdraw the products from the market, or to recall them, all within a reasonable period and commensurate with the nature and degree of the non-compliance. The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020. | <u>(EU) 2019/1020, to bring the non-compliance to an end or, if that is not possible, to bring the products or himself into compliance with those requirements and obligations or</u> to withdraw the products from the market, or to recall them, all within a reasonable period <u>which is</u> <del>and</del> commensurate with the nature <del>and degree</del> of the non-compliance. <del>The corrective action required to be taken by the economic operators may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.</del> |                 |
| Article 70(1), third subparagraph |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 796                               | The market surveillance authority shall inform the notified bodies accordingly, if notified bodies are involved.                                                                                                                                                                                                                                  | The market surveillance authority shall inform the notified bodies accordingly, if notified bodies are involved.                                                                                                                                                                                                                                                        | The market surveillance authority shall inform the notified bodies accordingly, if notified bodies are involved.                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 70(2)                     |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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| 797           | 2. Where the market surveillance authority considers that the non-compliance is not limited to its national territory, it shall, via the national competent authority, inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic operators to take. | 2. Where the market surveillance authority considers that the non-compliance is not limited to its national territory, it shall, via the national competent authority, inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic operators to take. | 2. Where the market surveillance authority considers that the non-compliance is not limited to its national territory, it shall, via the <del>national competent authority</del> <u>single liaison point</u> , inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic <del>operators</del> <u>operator</u> to take. |                 |
| Article 70(3) |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 798           | 3. The economic operators shall take all appropriate corrective action in respect of all the products that that economic operators has made available on the market throughout the Union.                                                                                                                                          | 3. The economic operators shall take all appropriate corrective action in respect of all the products that that economic operators has made available on the market throughout the Union.                                                                                                                                          | 3. The economic <del>operators</del> <u>operator</u> shall <del>take</del> <u>ensure that</u> all appropriate corrective action <u>is taken</u> in respect of all the products <del>that that</del> <u>economic operators concerned that it</u> has made available on the market throughout the Union.                                                                                                |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 70(4), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 799                                | 4. Where the relevant economic operators, within the period referred to in the second subparagraph of paragraph 1, do not take adequate corrective action or where the non-compliance persists, the market surveillance authority shall take all appropriate provisional or definitive measures to prohibit or restrict the making available on the market of the products, to withdraw these product from the market or to recall them. | 4. Where the relevant economic operators, within the period referred to in the second subparagraph of paragraph 1, do not take adequate corrective action or where the non-compliance persists, the market surveillance authority shall take all appropriate provisional or definitive measures to prohibit or restrict the making available on the market of the products, to withdraw these product from the market or to recall them. | 4. Where the relevant economic <del>operators</del> <u>operator</u> , within the period referred to in the second subparagraph of paragraph 1, <del>do</del> <u>does</u> not take <del>adequate</del> <u>the</u> corrective action <u>referred to in paragraph 1, second subparagraph,</u> or where the non-compliance persists, the market surveillance authority shall <del>take all appropriate provisional or definitive measures to prohibit or restrict the making</del> <u>ensure that the product concerned is withdrawn or recalled, or that making it</u> available on the market <del>of the products, to withdraw these product from the market or to recall them</del> <u>is prohibited or restricted</u> . |                 |
| Article 70(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 800                                |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|               | The market surveillance authority shall inform the public, and via the national competent authority the Commission and the other Member States, without delay, of those measures.                                                                                                                                                                                                                                                                                                                                                                     | The market surveillance authority shall inform the public, and via the national competent authority the Commission and the other Member States, without delay, of those measures.                                                                                                                                                                                                                                                                                                                                                                     | The market surveillance authority shall inform the public, and via the <del>national competent authority</del> <u>single liaison point</u> the Commission and the other Member States, without delay, of those measures.                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 70(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 801           | 5. The information referred to in the last sentence of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant products, the origin of the products, the nature of the non-compliance alleged and the risk involved, the nature and duration of national measures taken as well as the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following: | 5. The information referred to in the last sentence of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant products, the origin of the products, the nature of the non-compliance alleged and the risk involved, the nature and duration of national measures taken as well as the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following: | 5. The information referred to in the last sentence of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant products, the origin of <del>the</del> <u>those</u> products, the nature of the non-compliance alleged and the risk involved, the nature and duration of national measures taken as well as the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following: |                 |

|                           | Commission Proposal                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                           |                                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 70(5), point (a)  |                                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                |                 |
| 802                       | (a) failure of the products to achieve the declared performance and/or to meet the requirements related to the fulfilment of basic requirements for construction works laid down in this Regulation; | (a) failure of the products to achieve the declared performance and/or to meet the requirements related to the fulfilment of basic requirements for construction works laid down in this Regulation; | (a) failure of the products to achieve the declared performance <del>and/or to meet the requirements related to the fulfilment of basic requirements for construction works laid down in this Regulation;</del><br><i>and/or to meet the requirements related to the fulfilment of basic requirements for construction works laid down in this Regulation;</i> |                 |
| Article 70(5), point (aa) |                                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                |                 |
| 802a                      |                                                                                                                                                                                                      |                                                                                                                                                                                                      | <u>(a1) failure of the products to meet inherent product requirements established in accordance with Article 5(1) ;</u>                                                                                                                                                                                                                                        |                 |
| Article 70(5), point (b)  |                                                                                                                                                                                                      |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                |                 |

|                          | Commission Proposal                                                                                                     | EP Mandate                                                                                                              | Council Mandate                                                                                                                                                                                                                                                           | Draft Agreement |
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| 803                      | (b) failure of the manufacturer to meet obligations;                                                                    | (b) failure of the manufacturer to meet obligations;                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                            |                 |
| Article 70(5), point (c) |                                                                                                                         |                                                                                                                         |                                                                                                                                                                                                                                                                           |                 |
| 804                      | (c) shortcomings in the harmonised technical specifications or a European assessment document.                          | (c) shortcomings in the harmonised technical specifications or a European assessment document.                          | (c) shortcomings in the harmonised technical specifications <u>referred to in Article 4 or 4a(1), in <del>or</del> a European assessment document, in the harmonised standards referred to in Article 5a(1) or in the implementing acts referred to in Article 5a(2).</u> |                 |
| Article 70(6)            |                                                                                                                         |                                                                                                                         |                                                                                                                                                                                                                                                                           |                 |
| 805                      | 6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the | 6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the | 6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the                                                                                                                                                   |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|               | other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the products concerned, and, in the event of disagreement with the notified national measure, of their objections.                                                    | other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the products concerned, and, in the event of disagreement with the notified national measure, of their objections.                                                                            | other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the products concerned, and, in the event of disagreement with the notified national measure, of their objections.                                                    |                 |
| Article 70(7) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                         |                 |
| 806           | 7. Where, within two months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified. | 7. Where, within <del>two</del> <sup>3</sup> months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified. | 7. Where, within two months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State in relation to the product concerned, that measure shall be deemed justified. |                 |
| Article 70(8) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                         |                 |
| 807           |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                         |                 |

|                                   | Commission Proposal                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                   | Draft Agreement |
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|                                   | 8. The other Member States shall ensure that appropriate restrictive measures are taken without delay in respect of the product or manufacturer concerned, such as withdrawal of the products from their market.                 | 8. The other Member States shall ensure that appropriate restrictive measures are taken without delay in respect of the product or manufacturer concerned, such as withdrawal of the products from their market.                 | 8. <del>The other</del> Member States shall ensure that appropriate restrictive measures are taken without delay in respect of the product <del>or</del> <del>manufacturer</del> concerned, such as withdrawal of the products from their market. |                 |
| Article 71                        |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                   |                 |
| 808                               | Article 71<br>Union safeguard procedure                                                                                                                                                                                          | Article 71<br>Union safeguard procedure                                                                                                                                                                                          | Article 71<br>Union safeguard procedure                                                                                                                                                                                                           |                 |
| Article 71(1), first subparagraph |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                   |                 |
| 809                               | 1. Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the | 1. Where, on completion of the procedure set out in Article 70(4), objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union legislation, the | 1. Where, on completion of the procedure set out in Article 70(4), <u>(6) and (7)</u> , objections are raised against a measure taken by a Member State or where the Commission considers a national measure to be contrary to Union              |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|                                    | Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of implementing act adopted whether the measure is justified or not. | Commission shall without delay enter into consultation with the Member States and the relevant economic operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall <del>decide by means of implementing act adopted</del> <u>adopt implementing acts, within four months of the notification received pursuant to Article 70(4), setting out its decision</u> whether the measure is justified or not. | legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic <u>operator or</u> operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of implementing act adopted whether the measure is justified or not. |                 |
| Article 71(1), second subparagraph |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                          |                 |
| 810                                | Those implementing acts shall be adopted in accordance with advisory procedure referred in Article 88(1).                                                                                                                                                                                                            | Those implementing acts shall be adopted in accordance with advisory procedure referred in Article 88(1).                                                                                                                                                                                                                                                                                                                                                           | Those implementing acts shall be adopted in accordance with advisory procedure referred in Article 88(1).                                                                                                                                                                                                                                                |                 |
| Article 71(1), third subparagraph  |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                          |                 |
| 811                                |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                          |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the relevant economic operators.                                                                                                                                                                                     | The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the relevant economic operators.                                                                                                                                                                                                             | The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the relevant economic <u>operator or</u> operators.                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 71(2) |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 812           | 2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure. | 2. If the national measure is considered justified, all Member States shall, <u>without delay</u> , take the necessary measures to ensure that the non-compliant product is withdrawn from their markets and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure. | 2. If the national measure is considered <u>to be</u> justified, all Member States shall <u>ensure that appropriate restrictive</u> <del>take the necessary</del> measures, <u>such as withdrawal, are taken in respect of the non-compliant product</u> <del>to ensure that the non-compliant product is withdrawn from their markets</del> and shall inform the Commission accordingly. If the national measure is considered <u>to be</u> unjustified, the Member State concerned shall withdraw the measure. |                 |
| Article 71(3) |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 813            | 3. Where the national measure is considered to be justified and the non-compliance of the product or its manufacturer is attributed to shortcomings in the construction products standards as referred to in Article 70(5), point (c), the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012. | 3. Where the national measure is considered to be justified and the non-compliance of the product or its manufacturer is attributed to shortcomings in the construction products standards as referred to in Article 70(5), point (c), the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012. | 3. Where the national measure is considered to be justified and the non-compliance of the product <del>or its manufacturer</del> is attributed to shortcomings in the <del>construction products</del> <u>harmonised technical specifications, European assessment documents, harmonised standards or implementing acts</u> as referred to in Article 70(5), point (c), the Commission shall apply the procedure provided for in Article <u>4(2f), in Article 4a(1) third subparagraph, Article 5a(7) or in Article 41 of this Regulation or in Article</u> 11 of Regulation (EU) No 1025/2012 <u>respectively</u> . |                 |
| Article 71(3a) |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 813a           |                                                                                                                                                                                                                                                                                                                                             | <u>3a. Where the national measure is considered to be justified and the non-compliance of the construction product is attributed</u>                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|               | Commission Proposal                                                                                                          | EP Mandate                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                         | Draft Agreement |
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|               |                                                                                                                              | <u>to shortcomings in a European assessment document, as referred to in Article 70(5), point (c), the Commission shall inform the organisation of TABs of the shortcoming and, if necessary, request the revision of the European assessment document concerned.</u> |                                                                                                                                         |                 |
| Article 72    |                                                                                                                              |                                                                                                                                                                                                                                                                      |                                                                                                                                         |                 |
| 814           | Article 72<br>Complying products which nevertheless present a risk                                                           | Article 72<br>Complying products which nevertheless present a risk                                                                                                                                                                                                   | Article 72<br>Complying products which nevertheless present a risk                                                                      |                 |
| Article 72(1) |                                                                                                                              |                                                                                                                                                                                                                                                                      |                                                                                                                                         |                 |
| 815           | 1. Where, having performed an evaluation pursuant to Article 70(1), a market surveillance authority Member State finds that, | 1. Where, having performed an evaluation pursuant to Article 70(1), a market surveillance authority Member State finds that,                                                                                                                                         | 1. Where, having performed an evaluation pursuant to Article 70(1), a market surveillance authority <del>Member State</del> finds that, |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|               | although certain products are in compliance with this Regulation, they present a risk for the fulfilment of the basic requirements for construction works, to the health or safety of persons, to the environment or to other aspects of public interest protection, it shall require the relevant economic operators to take all appropriate measures to ensure that the products concerned, when placed on the market, no longer present that risk, to withdraw the products from the market or to recall them within a reasonable period, commensurate with the nature of the risk, which it may prescribe. | although certain products are in compliance with this Regulation, they present a risk for the fulfilment of the basic requirements for construction works, to the health or safety of persons, to the environment or to other aspects of public interest protection, it shall require the relevant economic operators to take all appropriate measures to ensure that the products concerned, when placed on the market, no longer present that risk, to withdraw the products from the market or to recall them within a reasonable period, commensurate with the nature of the risk, which it may prescribe. | although <del>certain</del> <u>a</u> products <del>are</del> <u>is</u> in compliance with this Regulation, <del>they present</del> <u>it presents</u> a risk <del>for the fulfilment of the basic requirements for construction works,</del> <u>to the health or safety of persons</u> <del>or, where applicable,</del> <u>to the environment</u> <del>or to other aspects of public interest protection,</del> it shall require the relevant economic <del>operators</del> <u>operator</u> to take all appropriate measures to ensure that the products concerned, when placed on the market, no longer present that risk, to withdraw the products from the market or to recall them within a reasonable period, commensurate with the nature of the risk, which it may prescribe. |                 |
| Article 72(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 816           | 2. The economic operator shall ensure that any corrective action is taken in respect of all the products concerned which that economic operator has made available on the                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2. The economic operator shall ensure that any corrective action is taken in respect of all the products concerned which that economic operator has made available on the                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2. The economic operator shall ensure that any corrective action is taken in respect of all the products concerned which that economic operator has made available on the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               | market throughout the Union.                                                                                                                                                                                                                                                                                                                                                                                                         | market throughout the Union.                                                                                                                                                                                                                                                                                                                                                                                                         | market throughout the Union.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 72(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 817           | 3. The market surveillance authority shall, via the national competent authority, immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the product concerned, the origin and the supply chain of the product, the nature of the risk involved and the nature and duration of the national measures taken. | 3. The market surveillance authority shall, via the national competent authority, immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the product concerned, the origin and the supply chain of the product, the nature of the risk involved and the nature and duration of the national measures taken. | 3. The market surveillance authority shall, via the <del>national competent authority</del> <u>single liaison point</u> , immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the product concerned, the origin and the supply chain of the product, the nature of the risk involved and the nature and duration of the national measures taken. |                 |
| Article 72(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 818           | 4. The Commission shall without delay enter into consultation with                                                                                                                                                                                                                                                                                                                                                                   | 4. The Commission shall without delay enter into consultation with                                                                                                                                                                                                                                                                                                                                                                   | 4. The Commission shall without delay enter into consultation with                                                                                                                                                                                                                                                                                                                                                                                                           |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|               | the Member States and the relevant economic operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by implementing act whether the measure is justified or not and, where necessary, propose appropriate measures. | the Member States and the relevant economic operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by implementing act whether the measure is justified or not and, where necessary, propose appropriate measures. | the Member States and the relevant economic operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by implementing act whether the measure is justified or not and, where necessary, <del>propose</del> <u>order</u> appropriate measures. |                 |
| Article 72(5) |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                           |                 |
| 819           | 5. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                                                                               | 5. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                                                                               | 5. Those implementing acts shall be adopted in accordance with the <del>advisory</del> <u>examination</u> procedure referred to in Article 88(1).                                                                                                                                                                         |                 |
| Article 72(6) |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                           |                 |
| 820           | 6. The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the                                                                                                                                                                         | 6. The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the                                                                                                                                                                         | 6. The Commission shall address its decision to all Member States and shall immediately communicate it to them and to the                                                                                                                                                                                                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                         | EP Mandate                   | Council Mandate                                    | Draft Agreement |
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|               | relevant economic operators.                                                                                                                                                                                                                                                                                                | relevant economic operators. | relevant economic <u>operator or</u> operators.    |                 |
| Article 73    |                                                                                                                                                                                                                                                                                                                             |                              |                                                    |                 |
| 821           | <p>Article 73</p> <p>Minimum checks and minimum human resources</p>                                                                                                                                                                                                                                                         | <i>deleted</i>               | <p><del>Article 73</del></p> <p><i>deleted</i></p> |                 |
| Article 73(1) |                                                                                                                                                                                                                                                                                                                             |                              |                                                    |                 |
| 822           | <p>1. The Commission is empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by harmonised technical specifications or in</p> | <i>deleted</i>               | <i>deleted</i>                                     |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                         | EP Mandate     | Council Mandate | Draft Agreement |
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|               | relation to specific requirements set out in such measures in order to ensure checks are performed on a scale adequate to safeguard the effective enforcement of this Regulation. The delegated acts may, where relevant, specify the nature of the checks required and methods to be used. |                |                 |                 |
| Article 73(2) |                                                                                                                                                                                                                                                                                             |                |                 |                 |
| 823           | 2. The Commission is also empowered to adopt delegated acts in accordance with Article 87 supplementing this Regulation by laying down the minimum human resources to be deployed by Member States for purposes of market surveillance with regard to products covered by this Regulation.  | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 74    |                                                                                                                                                                                                                                                                                             |                |                 |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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| 824                                | Article 74<br>Market surveillance coordination and support                                                                                                                                                                                                                                                           | Article 74<br>Market surveillance coordination and support                                                                                                                                                                                                                                                           | Article 74<br>Market surveillance coordination and support                                                                                                                                                                                                                                                           |                 |
| Article 74(1), first subparagraph  |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                      |                 |
| 825                                | 1. For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities. | 1. For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities. | 1. For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities. |                 |
| Article 74(1), second subparagraph |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                      |                 |
| 826                                | In the context of performing its                                                                                                                                                                                                                                                                                     | In the context of performing its                                                                                                                                                                                                                                                                                     | In the context of performing its                                                                                                                                                                                                                                                                                     |                 |

|                                              | Commission Proposal                                                                                                                                                                      | EP Mandate                                                                                                                                                                               | Council Mandate                                                                                                                                                                          | Draft Agreement |
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|                                              | tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of this Regulation, namely by identifying common priorities for market surveillance. | tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of this Regulation, namely by identifying common priorities for market surveillance. | tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of this Regulation, namely by identifying common priorities for market surveillance. |                 |
| Article 74(2), first subparagraph            |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                          |                 |
| 827                                          | 2. Based on priorities identified in consultation with the ADCO, the Commission shall:                                                                                                   | 2. Based on priorities identified in consultation with the ADCO, the Commission shall:                                                                                                   | 2. Based on priorities identified in consultation with the ADCO, the Commission shall:                                                                                                   |                 |
| Article 74(2), first subparagraph, point (a) |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                          |                 |
| 828                                          | (a) organise joint market surveillance and testing projects in areas of common interest;                                                                                                 | (a) organise joint market surveillance and testing projects in areas of common interest;                                                                                                 | (a) organise joint market surveillance and testing projects in areas of common interest;                                                                                                 |                 |
| Article 74(2), first subparagraph, point (b) |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                          |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                            | Draft Agreement |
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| 829                                          | (b) organise joint investment in market surveillance capacities, including equipment and IT tools;                                                                                                                                                                                         | (b) organise joint investment in market surveillance capacities, including equipment and IT tools;                                                                                                                                                                                         | (b) organise joint investment in market surveillance capacities, including equipment and IT tools;                                                                                                                                                                                         |                 |
| Article 74(2), first subparagraph, point (c) |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                 |
| 830                                          | (c) organise common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies, including on the correct interpretation and application of this Regulation and on methods and techniques relevant for applying or verifying compliance with it; | (c) organise common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies, including on the correct interpretation and application of this Regulation and on methods and techniques relevant for applying or verifying compliance with it; | (c) organise common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies, including on the correct interpretation and application of this Regulation and on methods and techniques relevant for applying or verifying compliance with it; |                 |
| Article 74(2), first subparagraph, point (d) |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                            |                 |
| 831                                          | (d) elaborate guidelines for the application and enforcement of requirements and obligations set                                                                                                                                                                                           | (d) elaborate guidelines for the application and enforcement of requirements and obligations set                                                                                                                                                                                           | (d) elaborate guidelines for the application <del>and enforcement of requirements and obligations set</del>                                                                                                                                                                                |                 |

|                                               | Commission Proposal                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                               | Draft Agreement |
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|                                               | out in delegated acts referred to in Article 4(3) and (4) and Article 5(2) and (3) and the delegated acts referred to in Article 22(4), including common practices and methodologies for effective market surveillance. | out in <del>delegated acts referred to in Article 4(3) and (4) and Article 5(2) and (3) and the delegated acts referred to in Article 22(4), including common practices and methodologies for effective</del> <u>harmonised technical specifications adopted pursuant to this Regulation, including common practices and methodologies for effective market surveillance, such as the number and type of checks to be performed by</u> market surveillance <del>authorities;</del> | <del>out in delegated acts referred to in Article 4(3) and (4) and Article 5(2) and (3) and the delegated acts referred to in Article 22(4), including common practices and methodologies for effective market surveillance</del> <u>of this Regulation</u> . |                 |
| Article 74(2), first subparagraph, point (da) |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                               |                 |
| 831a                                          |                                                                                                                                                                                                                         | <u>(da) elaborate guidelines for economic operators on the harmonised application of this Regulation.</u>                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                               |                 |
| Article 74(2), second subparagraph            |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                               |                 |

|               | Commission Proposal                                                                                                                                                      | EP Mandate                                                                                                                                                               | Council Mandate                                                                                 | Draft Agreement |
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| 832           | The Union shall, where appropriate, finance the actions referred to in points (a), (b) and (c).                                                                          | The Union shall, where appropriate, finance the actions referred to in points (a), (b) and (c).                                                                          | The Union shall, where appropriate, finance the actions referred to in points (a), (b) and (c). |                 |
| Article 74(3) |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                 |                 |
| 833           | 3. The Commission shall provide technical and logistic support to ensure the ADCO fulfils its tasks set out in Article 32 of Regulation (EU) 2019/1020 and this Article. | 3. The Commission shall provide technical and logistic support to ensure the ADCO fulfils its tasks set out in Article 32 of Regulation (EU) 2019/1020 and this Article. | <i>deleted</i>                                                                                  |                 |
| Article 75    |                                                                                                                                                                          |                                                                                                                                                                          |                                                                                                 |                 |
| 834           | Article 75<br>Retrieval of costs                                                                                                                                         | Article 75<br>Retrieval of costs                                                                                                                                         | <del>Article 75</del><br><br><i>deleted</i>                                                     |                 |



|                             | Commission Proposal                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                          | Draft Agreement |
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|                             |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                 |
| Article 75, first paragraph |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                 |
| 835                         | Market surveillance authorities shall have the right to recover from economic operators in possession of a non-compliant product or from the manufacturer the costs of document inspection and physical product testing. | <u>Where a product has been found to be non-compliant,</u> market surveillance authorities shall have the right to recover from economic operators <del>in possession of a non-compliant</del> <u>who placed or made available the</u> product <del>or from the manufacturer</del> <u>on the market</u> the costs of document inspection and physical product testing, <u>with a justification of those costs.</u> | deleted                                  |                 |
| Article 76                  |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                 |
| 836                         | Article 76<br>Reporting and benchmarking                                                                                                                                                                                 | Article 76<br>Reporting and benchmarking                                                                                                                                                                                                                                                                                                                                                                           | Article 76<br>Reporting and benchmarking |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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| Article 76(1)                     |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 837                               | 1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the nature and severity of any penalty imposed in relation to non-compliance with this Regulation.                                                                                                         | 1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the nature and severity of any penalty imposed in relation to non-compliance with this Regulation.                                                                                                         | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 76(2), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 838                               | 2. The Commission shall, every 2 years, draw up a report by 30 June based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [OP: Please add date: two years after date of application of this Regulation]. | 2. The Commission shall, every 2 years, draw up a report by 30 June based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [OP: Please add date: two years after date of application of this Regulation]. | 2. The Commission shall, every <del>2</del> <u>four</u> years, draw up a report by 30 June based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [ <u>OP: Please add date: four years after date of application of this Regulation</u> <del>OP: Please add date:</del> ] |                 |

|                                               | Commission Proposal                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                               | Draft Agreement |
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|                                               |                                                                                                                                                                                                        |                                                                                                                                                                                                        | <i>two years after date of application of this Regulation</i> ].                                                                                                                                                              |                 |
| Article 76(2), second subparagraph            |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                               |                 |
| 839                                           | The report shall include:                                                                                                                                                                              | The report shall include:                                                                                                                                                                              | The report shall include:                                                                                                                                                                                                     |                 |
| Article 76(2), second subparagraph, point (a) |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                               |                 |
| 840                                           | (a) information on the nature and number of checks performed by market surveillance authorities during the two previous calendar years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020; | (a) information on the nature and number of checks performed by market surveillance authorities during the two previous calendar years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020; | (a) information on the nature and number of checks performed by market surveillance authorities during the <del>two</del> <i>four</i> previous calendar years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020; |                 |
| Article 76(2), second subparagraph, point (b) |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                               |                 |
| 841                                           |                                                                                                                                                                                                        |                                                                                                                                                                                                        |                                                                                                                                                                                                                               |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                               | (b) information on the levels of non-compliance identified and on the nature and severity of penalties imposed for the two previous calendar years in relation to products covered by delegated acts adopted pursuant to Articles 4, 5, 6 and 22 of this Regulation; | (b) information on the levels of non-compliance identified and on the nature and severity of penalties imposed for the two previous calendar years in relation to products covered by delegated acts adopted pursuant to Articles 4, 5, 6 and 22 of this Regulation; | (b) information on the levels of non-compliance identified <del>and on the nature and severity of penalties imposed</del> for the <del>two</del> <u>four</u> previous calendar years in relation to products covered by <del>delegated acts adopted pursuant to Articles 4, 5, 6 and 22 of this Regulation</del> <u>harmonised technical specifications or CE-marked based on a European technical assessment</u> ; |                 |
| Article 76(2), second subparagraph, point (c) |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 842                                           | (c) indicative benchmarks for market surveillance authorities in relation to the frequency of checks and the nature and severity of penalties imposed.                                                                                                               | (c) indicative benchmarks for market surveillance authorities in relation to the frequency of checks and the nature and severity of penalties imposed.                                                                                                               | (c) indicative benchmarks for market surveillance authorities in relation to the frequency of checks <del>and the nature and severity of penalties imposed.</del>                                                                                                                                                                                                                                                   |                 |
| Article 76(3)                                 |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 843                                           |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|            | Commission Proposal                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                         | Draft Agreement |
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|            | 3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public a summary of the report. | 3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public a summary of the report. | 3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public a summary of the report. |                 |
| CHAPTER IX |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                 |
| 844        | CHAPTER IX<br>INFORMATION AND<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                          | CHAPTER IX<br>INFORMATION AND<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                          | CHAPTER IX<br>INFORMATION AND<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                          |                 |
| Article 77 |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                 |
| 845        | Article 77<br>Information systems for                                                                                                                                                                                                   | Article 77<br>Information systems for                                                                                                                                                                                                   | Article 77<br>Information systems for                                                                                                                                                                                                   |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                    | harmonised decision-making                                                                                                                                                                                                                                                                                                                                    | harmonised decision-making                                                                                                                                                                                                                                                                                                                                    | harmonised decision-making                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 77(1), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                 |
| 846                                | 1. The Commission shall establish and maintain an information and communication system for the collection, processing and storage of information, in a structured form, on issues relating to the interpretation or application of the rules laid down in or pursuant to this Regulation, with the aim of ensuring the harmonised application of those rules. | 1. The Commission shall establish and maintain an information and communication system for the collection, processing and storage of information, in a structured form, on issues relating to the interpretation or application of the rules laid down in or pursuant to this Regulation, with the aim of ensuring the harmonised application of those rules. | 1. The Commission shall establish and maintain an information and communication system for the collection, processing and storage of information, in a structured form, on issues relating to the interpretation or application of the rules laid down in or pursuant to this Regulation, with the aim of ensuring the harmonised application of those rules. |                 |
| Article 77(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               |                 |
| 847                                | In addition to the Commission and Member States, market surveillance authorities, the single liaison offices appointed under Article 10(3) of Regulation (EU)                                                                                                                                                                                                 | In addition to the Commission and Member States, market surveillance authorities, the single liaison offices appointed under Article 10(3) of Regulation (EU)                                                                                                                                                                                                 | In addition to the Commission and Member States, market surveillance authorities, the single liaison offices appointed under Article 10(3) of Regulation (EU)                                                                                                                                                                                                 |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                   | 2019/1020, the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, notifying authorities, notified bodies, and product contact points for Construction shall be able to access the information and communication system. The Commission may, by implementing decision give access to authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation. | 2019/1020, the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, notifying authorities, notified bodies, and product contact points for Construction shall be able to access the information and communication system. The Commission may, by implementing decision give access to authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation. | 2019/1020, the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, notifying authorities, <u>representatives of the group of notified bodies and the organisation of TABs</u> , and product contact points for Construction shall be able to access the information and communication system. <del>The Commission may, by implementing decision give access to authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation.</del> |                 |
| Article 77(1), third subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 848                               | Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                                                                                                                                                                                                                                                      | Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                                                                                                                                                                                                                                                      | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Article 77(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 849           | 2. The bodies listed in paragraph 1 may use the information and communication system to raise any question or issue related to the interpretation or application of the rules laid down in or pursuant to this Regulation, including their relationship to other provisions of Union law. They shall raise such questions or issues where reasonable doubt exists about how to apply or interpret those rules in a given situation. | 2. The bodies listed in paragraph 1 may use the information and communication system to raise any question or issue related to the interpretation or application of the rules laid down in or pursuant to this Regulation, including their relationship to other provisions of Union law. They shall raise such questions or issues where reasonable doubt exists about how to apply or interpret those rules in a given situation. | 2. The bodies listed in paragraph 1 may use the information and communication system to raise any question or issue related to the interpretation or application of the rules laid down in or pursuant to this Regulation, including their relationship to other provisions of Union law. <del>They shall raise such questions or issues where reasonable doubt exists about how to apply or interpret those rules in a given situation.</del> |                 |
| Article 77(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 850           | 3. For purposes of paragraph 2, reasonable doubt shall be assumed to exist where the bodies listed in paragraph 1:                                                                                                                                                                                                                                                                                                                  | 3. For purposes of paragraph 2, reasonable doubt shall be assumed to exist where the bodies listed in paragraph 1:                                                                                                                                                                                                                                                                                                                  | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |



|                                 | Commission Proposal                                                                                                                                                                         | EP Mandate                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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| <i>Article 77(3), point (a)</i> |                                                                                                                                                                                             |                                                                                                                                                                                             |                 |                 |
| 851                             | (a) are aware or made aware of the application or interpretation of the rules laid down in or pursuant to this Regulation by any other body in a way that diverges from their own practise; | (a) are aware or made aware of the application or interpretation of the rules laid down in or pursuant to this Regulation by any other body in a way that diverges from their own practise; | <i>deleted</i>  |                 |
| <i>Article 77(3), point (b)</i> |                                                                                                                                                                                             |                                                                                                                                                                                             |                 |                 |
| 852                             | (b) are aware or made aware of questions or issues raised through the information and communication system related to the situation they are confronted with or to their own practice;      | (b) are aware or made aware of questions or issues raised through the information and communication system related to the situation they are confronted with or to their own practice;      | <i>deleted</i>  |                 |
| <i>Article 77(3), point (c)</i> |                                                                                                                                                                                             |                                                                                                                                                                                             |                 |                 |
| 853                             | (c) are confronted with a situation                                                                                                                                                         | (c) are confronted with a situation                                                                                                                                                         |                 |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                            | Council Mandate                                                                                                              | Draft Agreement |
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|                                 | not foreseen by the rules laid down in or pursuant to this Regulation when first published or referred to in the Official Journal of the European Union, especially but not limited to situations brought about by the emergence of new products or business models,; | not foreseen by the rules laid down in or pursuant to this Regulation when first published or referred to in the Official Journal of the European Union, especially but not limited to situations brought about by the emergence of new products or business models,; | <i>deleted</i>                                                                                                               |                 |
| <i>Article 77(3), point (d)</i> |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                       |                                                                                                                              |                 |
| 854                             | (d) have to apply the rules laid down in or pursuant to this Regulation to a situation to which other provisions of Union law also apply and the resulting question.                                                                                                  | (d) have to apply the rules laid down in or pursuant to this Regulation to a situation to which other provisions of Union law also apply and the resulting question.                                                                                                  | <i>deleted</i>                                                                                                               |                 |
| <i>Article 77(4)</i>            |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                       |                                                                                                                              |                 |
| 855                             | 4. When raising a question or issue, the relevant body shall enter into the information and communication system information                                                                                                                                          | 4. When raising a question or issue, the relevant body shall enter into the information and communication system information                                                                                                                                          | 4. When raising a question or issue, the relevant body shall enter into the information and communication system information |                 |

|                          | Commission Proposal                                                                    | EP Mandate                                                                             | Council Mandate                                                                        | Draft Agreement |
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|                          | concerning:                                                                            | concerning:                                                                            | concerning:                                                                            |                 |
| Article 77(4), point (a) |                                                                                        |                                                                                        |                                                                                        |                 |
| 856                      | (a) any decision taken in relation to the question or issue raised;                    | (a) any decision taken in relation to the question or issue raised;                    | (a) any decision taken in relation to the question or issue raised;                    |                 |
| Article 77(4), point (b) |                                                                                        |                                                                                        |                                                                                        |                 |
| 857                      | (b) the presumable reasoning/rationale behind the approach taken;                      | (b) the presumable reasoning/rationale behind the approach taken;                      | (b) the presumable reasoning/rationale behind the approach taken;                      |                 |
| Article 77(4), point (c) |                                                                                        |                                                                                        |                                                                                        |                 |
| 858                      | (c) any alternative approach it has identified and its respective reasoning/rationale; | (c) any alternative approach it has identified and its respective reasoning/rationale; | (c) any alternative approach it has identified and its respective reasoning/rationale; |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 77(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 859           | 5. Member States shall establish a national information system or email list service to inform their authorities, the economic operators active on their territory, TABs and notified bodies with place of business on their territory and, on request, also other TABs and notified bodies, on all matters relevant for the correct interpretation or application of the rules laid down in or pursuant to this Regulation. In doing so, they shall take into account the information available in the information and communications system referred to in paragraph 1,. | 5. Member States shall establish a national information system or email list service to inform their authorities, the economic operators active on their territory, TABs and notified bodies with place of business on their territory and, on request, also other TABs and notified bodies, on all matters relevant for the correct interpretation or application of the rules laid down in or pursuant to this Regulation. In doing so, they shall take into account the information available in the information and communications system referred to in paragraph 1,. | 5. Member States shall establish a national information system or email list service to inform their authorities, the economic operators active on their territory, TABs and notified bodies with place of business on their territory and, on request, also other TABs and notified bodies, on all matters relevant for the correct interpretation or application of the rules laid down in or pursuant to this Regulation. In doing so, they shall take into account the information available in the information and communications system referred to in paragraph 1. |                 |
| Article 77(6) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 860           | 6. Authorities, economic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 6. Authorities, economic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 6. Authorities, <del>economic</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|               | operators, TABs and notified bodies with place of business in the respective Member State shall register into that system or email list service and take account of all information transmitted via them.                                                                                                                                                                                                                                               | operators, TABs and notified bodies with place of business in the respective Member State shall register into that system or email list service and take account of all information transmitted via them.                                                                                                                                                                                                                                               | <del>operators,</del> TABs and notified bodies with place of business in the respective Member State shall register into <del>that</del> <u>the</u> system or email list service and take account of all information transmitted via them. <u>Economic operators may register into the system or email list service.</u>                                                                                                                                                                                  |                 |
| Article 77(7) |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| 861           | 7. The national information system or email list service shall be able to receive complaints on behalf of the national competent authority from any natural or legal person, including TABs and notified bodies, on the uneven application of the rules laid down in or pursuant to this Regulation. If deemed appropriate, the national competent authority shall forward such complaints to their peers in other Member States and to the Commission. | 7. The national information system or email list service shall be able to receive complaints on behalf of the national competent authority from any natural or legal person, including TABs and notified bodies, on the uneven application of the rules laid down in or pursuant to this Regulation. If deemed appropriate, the national competent authority shall forward such complaints to their peers in other Member States and to the Commission. | 7. The national information system or email list service shall be able to receive complaints <del>on behalf of the national competent authority</del> from any natural or legal person, including TABs and notified bodies, on the uneven application of the rules laid down in or pursuant to this Regulation. If deemed appropriate, the <del>national competent authority</del> <u>single liaison point</u> shall forward such complaints to their peers in other Member States and to the Commission. |                 |

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|               |                                                                                                                    |                                                                                                                                   |                                                           |                 |
| Article 77(8) |                                                                                                                    |                                                                                                                                   |                                                           |                 |
| 862           | 8. Member States and the Commission may use artificial intelligence to detect diverging decision making practices. | 8. Member States and the Commission may use artificial intelligence <u>systems</u> to detect diverging decision making practices. | <i>deleted</i>                                            |                 |
| Article 78    |                                                                                                                    |                                                                                                                                   |                                                           |                 |
| 863           | Article 78<br>EU construction products database or system                                                          | <i>deleted</i>                                                                                                                    | Article 78<br>EU construction products database or system |                 |
| Article 78(1) |                                                                                                                    |                                                                                                                                   |                                                           |                 |
| 864           | 1. The Commission is empowered                                                                                     |                                                                                                                                   | 1. The Commission <del>is empowered</del>                 |                 |

|                           | Commission Proposal                                                                                                                                                                                                                                                                                       | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                           | to supplement this Regulation by means of delegated act according to Article 87, by setting up a Union construction products database or system that builds to the extent possible on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products]. | <i>deleted</i> | <del>to supplement this Regulation by means of delegated act according to Article 87, by setting up</del> <u>shall adopt an implementing act to establish</u> a Union construction products database or system <del>that builds to the extent possible on the Digital Product Passport established by Regulation (EU) ... [Regulation on ecodesign for sustainable products].</del> <u>This implementing act shall be adopted in accordance with the examination procedure referred to in Article 88(2).</u> |                 |
| Article 78(1a)            |                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 864a                      |                                                                                                                                                                                                                                                                                                           |                | <u>1a. The database or system referred to in paragraph 1 shall have the following functionalities:</u>                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 78(1a), point (a) |                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 864b                      |                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

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|                               |                     |            | <u>(a) enable economic operators to share or upload the following data or documents:</u>                                                                                                                                                   |                 |
| Article 78(1a), point (a)(i)  |                     |            |                                                                                                                                                                                                                                            |                 |
| 864c                          |                     |            | <u>(i) the declarations of performance and conformity referred to in Article 11, including the information referred to in Article 11(4) which can be included through a connection to other EU databases where it is already uploaded;</u> |                 |
| Article 78(1a), point (a)(ii) |                     |            |                                                                                                                                                                                                                                            |                 |
| 864d                          |                     |            | <u>(ii) the general information, instructions for use and safety information referred to in Article 21(6); and</u>                                                                                                                         |                 |



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|                                |                     |            |                                                                                                                                                                     |                 |
| Article 78(1a), point (a)(iii) |                     |            |                                                                                                                                                                     |                 |
| 864e                           |                     |            | <u>(iii) the technical documentation referred to in Article 21(3);</u>                                                                                              |                 |
| Article 78(1a), point (b)      |                     |            |                                                                                                                                                                     |                 |
| 864f                           |                     |            | <u>(b) store and ensure the protection of the data or documents referred to in point (a) for a period of time to be specified in accordance with paragraph 1b.;</u> |                 |
| Article 78(1a), point (c)      |                     |            |                                                                                                                                                                     |                 |
| 864g                           |                     |            | <u>(c) make all data or documents referred to in point (a) accessible</u>                                                                                           |                 |

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|                           |                     |            | <u>to competent national authorities;</u>                                                                                                                                                                                                                |                 |
| Article 78(1a), point (d) |                     |            |                                                                                                                                                                                                                                                          |                 |
| 864h                      |                     |            | <u>(d) make the data or documents referred to in point (a)(i) and (ii) publicly accessible in a machine-readable, structured, searchable and transferable format through an open interoperable data exchange network supported by a data dictionary;</u> |                 |
| Article 78(1a), point (e) |                     |            |                                                                                                                                                                                                                                                          |                 |
| 864i                      |                     |            | <u>(e) provide the possibility for economic operators to print or create permalinks to the data or documents referred to in point (a) which can be used for the fulfilment of information obligations under this Regulation;</u>                         |                 |

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|                               |                     |            |                                                                                                                                                                                 |                 |
| Article 78(1a), point (f)     |                     |            |                                                                                                                                                                                 |                 |
| 864j                          |                     |            | <u>(f) allow economic operators to:</u>                                                                                                                                         |                 |
| Article 78(1a), point (f)(i)  |                     |            |                                                                                                                                                                                 |                 |
| 864k                          |                     |            | <u>(i) replace data or documents shared or uploaded by themselves with amended versions so that the amended versions can be accessed in parallel with the original version;</u> |                 |
| Article 78(1a), point (f)(ii) |                     |            |                                                                                                                                                                                 |                 |
| 864l                          |                     |            | <u>(ii) alert other economic operators or competent national authorities of incorrect data or</u>                                                                               |                 |

|                           | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                           |                     |            | <u>documents within the database or system.</u>                                                                                                                                                                                                                                                                  |                 |
| Article 78(1b)            |                     |            |                                                                                                                                                                                                                                                                                                                  |                 |
| 864m                      |                     |            | <u>1b. The technical design and operation of the database or system referred to in paragraph 1 shall comply with the following requirements:</u>                                                                                                                                                                 |                 |
| Article 78(1b), point (a) |                     |            |                                                                                                                                                                                                                                                                                                                  |                 |
| 864n                      |                     |            | <u>(a) the database or system shall be compatible with the digital product passport registry developed in accordance with Regulation (EU) [ESPR] and fulfil the conditions established in [Article 8(4) of ESPR] for a product group to be exempted from the requirement to have a Digital Product Passport;</u> |                 |

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|                           |                     |            |                                                                                                                                                                           |                 |
| Article 78(1b), point (b) |                     |            |                                                                                                                                                                           |                 |
| 864o                      |                     |            | <u>(b) users of construction products, economic operators, competent national authorities and other relevant actors shall have free access to the database or system;</u> |                 |
| Article 78(1b), point (c) |                     |            |                                                                                                                                                                           |                 |
| 864p                      |                     |            | <u>(c) the database or system shall ensure data authentication, reliability and a high level of security and protection against fraud;</u>                                |                 |
| Article 78(1b), point (d) |                     |            |                                                                                                                                                                           |                 |

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| 864q           |                     |            | <u>(d) data or documents shared or uploaded to the database or system shall be stored therein for at least 25 years after they have been shared or uploaded.</u>                                                                                                                                                               |                 |
| Article 78(1c) |                     |            |                                                                                                                                                                                                                                                                                                                                |                 |
| 864r           |                     |            | <u>1c. The Commission is empowered to adopt delegated acts in accordance with Article 87 to supplement this Regulation by specifying the functionalities and requirements under paragraphs 1a and 1b to adapt to technical progress or to the once-only principle in relation to information requirements in other EU law.</u> |                 |
| Article 78(1d) |                     |            |                                                                                                                                                                                                                                                                                                                                |                 |

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| 864s           |                     |            | <p><u>1c1. The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend this Regulation to add functionalities under paragraph 1a needed to adapt to technical progress or adapt it to the once-only principle in relation to information requirements in other EU law or to establish longer periods for storage of data and documents than the storage period provided under paragraph 1b point (d), for specific product families or categories or for certain data or documents, where this is justified based on the service life span of a product or the presumptive information needs of users of used products.</u></p> |                 |
| Article 78(1e) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 864t           |                     |            | <p><u>1d. After the database or system has been fully operational for at</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |

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|               |                                                                                                                                                                               |                | <u>least one year, and where it has fulfilled its intended objective, including the functionalities provided under paragraph 1a, for both economic operators and market surveillance authorities in all Member States the Commission shall adopt an implementing act to provide for the mandatory use of the database or system by economic operators in accordance with Article 19(5a). This implementing act shall be adopted in accordance with the examination procedure referred to in paragraph 2 of Article 88.</u> |                 |
| Article 78(2) |                                                                                                                                                                               |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 865           | 2. Economic operators may access all information stored in that database or system which regards them specifically. They may request that incorrect information is corrected. | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |



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| <i>Article 78(3), first subparagraph</i>            |                                                                                                                                                                                                                                                                                         |                |                 |                 |
| 866                                                 | 3. The Commission may, by implementing acts give access to this database or system to certain authorities of third countries that apply voluntarily this Regulation or that have regulatory systems for construction products similar to this Regulation provided that these countries: | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 78(3), first subparagraph, point (a)</i> |                                                                                                                                                                                                                                                                                         |                |                 |                 |
| 867                                                 | (a) ensure confidentiality,                                                                                                                                                                                                                                                             | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 78(3), first subparagraph, point (b)</i> |                                                                                                                                                                                                                                                                                         |                |                 |                 |
| 868                                                 | (b) are partners of a mechanism                                                                                                                                                                                                                                                         |                |                 |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate     | Council Mandate | Draft Agreement |
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|                                                     | <p>for lawful transfers of personal data compliant with the Regulation (EU) 2016/679<sup>1</sup> ,</p> <p>_____</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.</p> | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 78(3), first subparagraph, point (c)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 869                                                 | (c) commit to engage actively by notifying facts that might trigger the need for action of market surveillance authorities, and                                                                                                                                                                                                                                                                                                                      | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 78(3), first subparagraph, point (d)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 870                                                 | (d) commit to engage against                                                                                                                                                                                                                                                                                                                                                                                                                         |                |                 |                 |

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|                                           | economic operators infringing this Regulation from their territory.                                              | <i>deleted</i>                                        | <i>deleted</i>                                        |                 |
| <i>Article 78(3), second subparagraph</i> |                                                                                                                  |                                                       |                                                       |                 |
| 871                                       | Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1). | <i>deleted</i>                                        | <i>deleted</i>                                        |                 |
| <i>Article 79</i>                         |                                                                                                                  |                                                       |                                                       |                 |
| 872                                       | Article 79<br>Product contact points for construction                                                            | Article 79<br>Product contact points for construction | Article 79<br>Product contact points for construction |                 |
| <i>Article 79(1)</i>                      |                                                                                                                  |                                                       |                                                       |                 |

|     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 873 | <p>1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724<sup>1</sup> and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515<sup>2</sup>.</p> <p>_____</p> <p>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information,</p> | <p>1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks <del>and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants</del>. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724<sup>1</sup> and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515<sup>2</sup>.</p> <p>_____</p> <p>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information,</p> | <p>1. Member States shall support economic operators by product contact points for construction. Member States shall designate and maintain at least one product contact point for construction on their territory and shall ensure that their product contact points for construction have sufficient powers and adequate resources for the proper performance of their tasks <del>and at any rate at least one full-time equivalence per Member State and one additional full-time equivalence per each ten millions of inhabitants</del>. They shall ensure that product contact points for construction deliver their services in accordance with Regulation (EU) 2018/1724<sup>1</sup> and that they coordinate with the contact points for mutual recognition established by Article 9(1) of Regulation (EU) No 2019/515<sup>2</sup>.</p> <p>_____</p> <p>1. <u>III</u> Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to</p> |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                                              | <p>to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.</p> <p>2. Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.</p> | <p>to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.</p> <p>2. Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.</p> | <p>information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012; OJ L 295, 21.11.2018, p. 1–38.</p> <p>2. <a href="#">21</a> Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008; OJ L 91, 29.3.2019, p. 1–18.</p> |                 |
| Article 79(2), first subparagraph            |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 874                                          | <p>2. Product contact points for construction shall provide, at the request of an economic operator or a market surveillance authority of another Member State, any useful product related information, such as:</p>                                                                                                                                                                                 | <p>2. Product contact points for construction shall provide, at the request of an economic operator or a market surveillance authority of another Member State, any useful product related information, such as:</p>                                                                                                                                                                                 | <p>2. Product contact points for construction shall provide, at the request of an economic operator or a market surveillance authority of another Member State, any useful product related information, such as:</p>                                                                                                                                                                                                                 |                 |
| Article 79(2), first subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 875                                          |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

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|                                              | (a) electronic copies of, or online access to, the national technical rules and national administrative procedures applicable to products in the territory in which the product contact points for construction is established, | (a) electronic copies of, or online access to, the national technical rules and national administrative procedures applicable to products in the territory in which the product contact points for construction is established, | (a) electronic copies of, or online access to, the national technical rules and national administrative procedures applicable to products in the territory in which the product contact points for construction is established, |                 |
| Article 79(2), first subparagraph, point (b) |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |                 |
| 876                                          | (b) information on whether those products are subject to prior authorisation under national law,                                                                                                                                | (b) information on whether those products are subject to prior authorisation under national law,                                                                                                                                | (b) information on whether those products are subject to prior authorisation under national law,                                                                                                                                |                 |
| Article 79(2), first subparagraph, point (c) |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |                 |
| 877                                          | (c) rules applicable to the incorporation, assembling or installation of products.                                                                                                                                              | (c) rules applicable to the incorporation, assembling or installation of products.                                                                                                                                              | (c) rules applicable to the incorporation, assembling or installation of products.                                                                                                                                              |                 |

|                                    | Commission Proposal                                                                                                                                                | EP Mandate                                                                                                                                                               | Council Mandate                                                                                                                                                    | Draft Agreement |
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| Article 79(2), second subparagraph |                                                                                                                                                                    |                                                                                                                                                                          |                                                                                                                                                                    |                 |
| 878                                | Product contact points for construction shall also provide information on product related provisions of this Regulation and of acts adopted in accordance with it. | Product contact points for construction shall also provide information on product related provisions of this Regulation and of acts adopted in accordance with it.       | Product contact points for construction shall also provide information on product related provisions of this Regulation and of acts adopted in accordance with it. |                 |
| Article 79(3)                      |                                                                                                                                                                    |                                                                                                                                                                          |                                                                                                                                                                    |                 |
| 879                                | 3. Product contact points for construction shall respond within 15 working days of receiving any request under paragraph 3.                                        | 3. Product contact points for construction shall respond <u>or provide information free of charge</u> within 15 working days of receiving any request under paragraph 3. | 3. Product contact points for construction shall respond within 15 working days of receiving any request under paragraph <del>3</del> <u>2</u> .                   |                 |
| Article 79(4)                      |                                                                                                                                                                    |                                                                                                                                                                          |                                                                                                                                                                    |                 |
| 880                                | 4. Product contact points for                                                                                                                                      |                                                                                                                                                                          | 4. Product contact points for                                                                                                                                      |                 |

|               | Commission Proposal                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                              | Draft Agreement |
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|               | construction shall not charge any fee for the provision of the information under paragraph 3.                                                                                                                | <i>deleted</i>                                                                                                                                                                                               | construction shall not charge any fee for the provision of the information under paragraph <del>3</del> 2.                                                                                                   |                 |
| Article 79(5) |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                 |
| 881           | 5. Product contact points for construction shall be able to carry out their functions in a manner that avoids conflicts of interest, particularly in respect of the procedures for obtaining the CE marking. | 5. Product contact points for construction shall be able to carry out their functions in a manner that avoids conflicts of interest, particularly in respect of the procedures for obtaining the CE marking. | 5. Product contact points for construction shall be able to carry out their functions in a manner that avoids conflicts of interest, particularly in respect of the procedures for obtaining the CE marking. |                 |
| Article 79(6) |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                                                                                                                                                                                                              |                 |
| 882           | 6. Paragraphs 1 to 6 apply also to products which have not yet been covered by harmonised technical specifications.                                                                                          | 6. Paragraphs 1 to 6 apply also to products which have not yet been covered by harmonised technical specifications.                                                                                          | 6. Paragraphs 1 to <del>6</del> 5 apply also to products which have not yet been covered by harmonised technical specifications.                                                                             |                 |



|               | Commission Proposal                                                                                                                                                                  | EP Mandate                                                                                                                                                                           | Council Mandate                                                                                                                                                                      | Draft Agreement |
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| Article 79(7) |                                                                                                                                                                                      |                                                                                                                                                                                      |                                                                                                                                                                                      |                 |
| 883           | 7. The Commission shall publish update a list of the national product contact points for construction.                                                                               | 7. The Commission shall publish update a list of the national product contact points for construction.                                                                               | 7. The Commission shall publish update a list of the national product contact points for construction.                                                                               |                 |
| Article 80    |                                                                                                                                                                                      |                                                                                                                                                                                      |                                                                                                                                                                                      |                 |
| 884           | Article 80<br>Trainings and exchange of staff                                                                                                                                        | Article 80<br>Trainings and exchange of staff                                                                                                                                        | Article 80<br>Trainings and exchange of staff                                                                                                                                        |                 |
| Article 80(1) |                                                                                                                                                                                      |                                                                                                                                                                                      |                                                                                                                                                                                      |                 |
| 885           | 1. Market surveillance authorities, product contact points for construction, designating authorities TABs, notifying authorities, and notified bodies shall ensure that their staff: | 1. Market surveillance authorities, product contact points for construction, designating authorities TABs, notifying authorities, and notified bodies shall ensure that their staff: | 1. Market surveillance authorities, product contact points for construction, designating authorities TABs, notifying authorities, and notified bodies shall ensure that their staff: |                 |

|                                   | Commission Proposal                                                                                                                          | EP Mandate                                                                                                                                   | Council Mandate                                                                                                                              | Draft Agreement |
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|                                   |                                                                                                                                              |                                                                                                                                              |                                                                                                                                              |                 |
| Article 80(1), point (a)          |                                                                                                                                              |                                                                                                                                              |                                                                                                                                              |                 |
| 886                               | (a) keep up-to-date in their area of competence and receive periodic additional training to that end; and                                    | (a) keep up-to-date in their area of competence and receive periodic additional training to that end; and                                    | (a) keep up-to-date in their area of competence and receive periodic additional training to that end; and                                    |                 |
| Article 80(1), point (b)          |                                                                                                                                              |                                                                                                                                              |                                                                                                                                              |                 |
| 887                               | (b) receive periodically training on the harmonised interpretation and application of the rules laid down in or pursuant to this Regulation. | (b) receive periodically training on the harmonised interpretation and application of the rules laid down in or pursuant to this Regulation. | (b) receive periodically training on the harmonised interpretation and application of the rules laid down in or pursuant to this Regulation. |                 |
| Article 80(2), first subparagraph |                                                                                                                                              |                                                                                                                                              |                                                                                                                                              |                 |
| 888                               | 2. The Commission shall, periodically and at least once a year, organise training events                                                     | 2. The Commission shall, periodically and at least once a year, organise training events                                                     | 2. The Commission shall, periodically and at least once a year, organise training events                                                     |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                    | jointly for the staff of market surveillance authorities, notifying authorities, and notified bodies. The Commission shall organise these training events in cooperation with the Member States.                                                                                                                                                                                                                                                                                                                                                           | jointly for the staff of market surveillance authorities, notifying authorities, and notified bodies. The Commission shall organise these training events in cooperation with the Member States.                                                                                                                                                                                                                                                                                                                                                           | jointly for the staff of market surveillance authorities, <u>product contact points for construction, designating authorities,</u> notifying authorities, and notified bodies. The Commission shall organise these training events in cooperation with the Member States.                                                                                                                                                                                                                                                                                             |                 |
| Article 80(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 889                                | The training events shall be open to the participation of the staff of the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, the single liaison offices appointed under Article 10(3) of Regulation (EU) 2019/1020 and, where appropriate, of other authorities of the Member States involved in the implementation or enforcement of this Regulation. The Commission may, by implementing decision adopted in accordance give access to third countries that apply voluntarily this Regulation or that have regulatory systems for | The training events shall be open to the participation of the staff of the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, the single liaison offices appointed under Article 10(3) of Regulation (EU) 2019/1020 and, where appropriate, of other authorities of the Member States involved in the implementation or enforcement of this Regulation. The Commission may, by implementing decision adopted in accordance give access to third countries that apply voluntarily this Regulation or that have regulatory systems for | The training events shall be open to the participation of the staff of the authorities designated under Article 25(1) of Regulation (EU) 2019/1020, the single liaison offices appointed under Article 10(3) of Regulation (EU) 2019/1020 and, where appropriate, of other authorities of the Member States involved in the implementation or enforcement of this Regulation. <del>The Commission may, by implementing decision adopted in accordance give access to third countries that apply voluntarily this Regulation or that have regulatory systems for</del> |                 |

|                                   | Commission Proposal                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                   | Draft Agreement |
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|                                   | construction products similar to this Regulation.                                                                                                                                                                                 | construction products similar to this Regulation.                                                                                                                                                                                 | <del>construction products similar to this Regulation.</del>                                                                                                                                                                      |                 |
| Article 80(2), third subparagraph |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                   |                 |
| 890                               | Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                  | Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).                                                                                                                  | <i>deleted</i>                                                                                                                                                                                                                    |                 |
| Article 80(3)                     |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                   |                 |
| 891                               | 3. The Commission may organise, in cooperation with the Member States, programmes for the exchange of staff between the market surveillance authorities, notifying authorities, and notified bodies of two or more Member States. | 3. The Commission may organise, in cooperation with the Member States, programmes for the exchange of staff between the market surveillance authorities, notifying authorities, and notified bodies of two or more Member States. | 3. The Commission may organise, in cooperation with the Member States, programmes for the exchange of staff between the market surveillance authorities, notifying authorities, and notified bodies of two or more Member States. |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                          | Draft Agreement |
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| Article 81                                   |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                 |
| 892                                          | <p>Article 81</p> <p>Shared roles and joint decision-making</p>                                                                                                                                                                          | <p>Article 81</p> <p>Shared roles and joint decision-making</p>                                                                                                                                                                          | <p>Article 81</p> <p>Shared roles and joint decision-making</p>                                                                                                                                                                          |                 |
| Article 81(1), first subparagraph            |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                 |
| 893                                          | <p>1. In order to fulfil their obligations under this Regulation with regard to market surveillance, designation and supervision of TABs, notified bodies, and product contact points for construction, Member States may designate:</p> | <p>1. In order to fulfil their obligations under this Regulation with regard to market surveillance, designation and supervision of TABs, notified bodies, and product contact points for construction, Member States may designate:</p> | <p>1. In order to fulfil their obligations under this Regulation with regard to market surveillance, designation and supervision of TABs, notified bodies, and product contact points for construction, Member States may designate:</p> |                 |
| Article 81(1), first subparagraph, point (a) |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                          |                 |
| 894                                          | <p>(a) a body or authority set up in cooperation with another Member</p>                                                                                                                                                                 | <p>(a) a body or authority set up in cooperation with another Member</p>                                                                                                                                                                 | <p>(a) a body or authority set up in cooperation with another Member</p>                                                                                                                                                                 |                 |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                              | State or other Member States for the purpose of joint designation;                                                                                                                                                                                                                                            | State or other Member States for the purpose of joint designation;                                                                                                                                                                                                                                            | State or other Member States for the purpose of joint designation;                                                                                                                                                                                                                                            |                 |
| Article 81(1), first subparagraph, point (b) |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                 |
| 895                                          | (b) a body or authority already designated by another Member State for the same purpose, in cooperation with that Member State;                                                                                                                                                                               | (b) a body or authority already designated by another Member State for the same purpose, in cooperation with that Member State;                                                                                                                                                                               | (b) a body or authority already designated by another Member State for the same purpose, in cooperation with that Member State;                                                                                                                                                                               |                 |
| Article 81(1), second subparagraph           |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                 |
| 896                                          | The Member States concerned shall jointly ensure that the shared bodies or authorities meet all relevant requirements. They shall be jointly responsible for them, whilst decisions taken towards natural or legal persons on a certain Member State shall be legally attributable only to that Member State. | The Member States concerned shall jointly ensure that the shared bodies or authorities meet all relevant requirements. They shall be jointly responsible for them, whilst decisions taken towards natural or legal persons on a certain Member State shall be legally attributable only to that Member State. | The Member States concerned shall jointly ensure that the shared bodies or authorities meet all relevant requirements. They shall be jointly responsible for them, whilst decisions taken towards natural or legal persons on a certain Member State shall be legally attributable only to that Member State. |                 |

|                                               | Commission Proposal                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                               |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                 |
| Article 81(2), first subparagraph             |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                 |
| 897                                           | 2. The authorities of different Member States may, without prejudice to their individual obligations under this Regulation or other legislative acts, share resources and responsibilities in order to ensure the harmonised application or effective enforcement of this Regulation. | 2. The authorities of different Member States may, without prejudice to their individual obligations under this Regulation or other legislative acts, share resources and responsibilities in order to ensure the harmonised application or effective enforcement of this Regulation. | 2. The authorities of different Member States may, without prejudice to their individual obligations under this Regulation or other legislative acts, share resources and responsibilities in order to ensure the harmonised application or effective enforcement of this Regulation. |                 |
| Article 81(2), second subparagraph            |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                 |
| 898                                           | To that end, they may also:                                                                                                                                                                                                                                                           | To that end, they may also:                                                                                                                                                                                                                                                           | To that end, they may also:                                                                                                                                                                                                                                                           |                 |
| Article 81(2), second subparagraph, point (a) |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                 |
| 899                                           |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                       |                 |

|                                               | Commission Proposal                                                                                                                                                           | EP Mandate                                                                                                                                                                    | Council Mandate                                                                                                                                                               | Draft Agreement |
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|                                               | (a) take joint decisions, especially in relation to joint cross-border activities or in relation to economic operators active on the territory of the relevant Member States; | (a) take joint decisions, especially in relation to joint cross-border activities or in relation to economic operators active on the territory of the relevant Member States; | (a) take joint decisions, especially in relation to joint cross-border activities or in relation to economic operators active on the territory of the relevant Member States; |                 |
| Article 81(2), second subparagraph, point (b) |                                                                                                                                                                               |                                                                                                                                                                               |                                                                                                                                                                               |                 |
| 900                                           | (b) establish common projects, such as joint market surveillance or testing projects;                                                                                         | (b) establish common projects, such as joint market surveillance or testing projects;                                                                                         | (b) establish common projects, such as joint market surveillance or testing projects;                                                                                         |                 |
| Article 81(2), second subparagraph, point (c) |                                                                                                                                                                               |                                                                                                                                                                               |                                                                                                                                                                               |                 |
| 901                                           | (c) pool resources for specific purposes, such as building up testing capacity or for internet surveillance;                                                                  | (c) pool resources for specific purposes, such as building up testing capacity or for internet surveillance;                                                                  | (c) pool resources for specific purposes, such as building up testing capacity or for internet surveillance;                                                                  |                 |
| Article 81(2), second subparagraph, point (d) |                                                                                                                                                                               |                                                                                                                                                                               |                                                                                                                                                                               |                 |



|                                               | Commission Proposal                                                                                                                                             | EP Mandate                                                                                                                                                      | Council Mandate                                                                                                                                                 | Draft Agreement |
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| 902                                           | (d) delegate the execution of tasks to a peer authority of another Member State, whilst staying formally responsible for the decisions taken by that authority; | (d) delegate the execution of tasks to a peer authority of another Member State, whilst staying formally responsible for the decisions taken by that authority; | (d) delegate the execution of tasks to a peer authority of another Member State, whilst staying formally responsible for the decisions taken by that authority; |                 |
| Article 81(2), second subparagraph, point (e) |                                                                                                                                                                 |                                                                                                                                                                 |                                                                                                                                                                 |                 |
| 903                                           | (e) transfer a task from one Member State to the other, provided that such transfer is clearly communicated to all concerned.                                   | (e) transfer a task from one Member State to the other, provided that such transfer is clearly communicated to all concerned.                                   | (e) transfer a task from one Member State to the other, provided that such transfer is clearly communicated to all concerned.                                   |                 |
| Article 81(2), third subparagraph             |                                                                                                                                                                 |                                                                                                                                                                 |                                                                                                                                                                 |                 |
| 904                                           | The relevant Member States shall be jointly responsible for the actions taken in accordance with this paragraph.                                                | The relevant Member States shall be jointly responsible for the actions taken in accordance with this paragraph.                                                | The relevant Member States shall be jointly responsible for the actions taken in accordance with this paragraph.                                                |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|             |                     |                                                                                                                                                                                                                                                                                                                            |                 |                 |
| Chapter IXa |                     |                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 904a        |                     | <u>Chapter IXa</u><br><br><u>Construction digital product passport and product passport registry</u>                                                                                                                                                                                                                       |                 |                 |
| Article 81a |                     |                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 904b        |                     | <u>Article 81a</u><br><br><u>Establishment of the construction digital product passport</u><br><br><u>1. The Commission shall adopt delegated acts in accordance with Article 87 to supplement this Regulation by setting up a construction digital product passport in accordance with the conditions set out in this</u> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|  |                     | <p><u>Chapter.</u></p> <p><u>The construction digital product passport shall be compatible and interoperable with the digital product passport established by the regulation (EU) [Regulation on eco design for sustainable products], without compromising interoperability with Building Information Modelling (BIM) by taking into account the specific characteristics and requirements related to construction products.</u></p> <p><u>2. The construction digital product passport shall consist of:</u></p> <p><u>(a) the declaration of performance or the combined declaration of performance and conformity;</u></p> <p><u>(b) the product information laid down in Annex I Part D; and</u></p> <p><u>(c) technical documentation referred to in Articles 64(1), 65(1), 66(1) and Annex II point 11(b).</u></p> <p><u>3. The construction digital product passport shall be accessible via electronic means</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|  |                     | <p><u>through the data carrier.</u></p> <p><u>4. The following data carriers or similar means may be used to access the construction digital product passport:</u></p> <p><u>(a) QR code;</u></p> <p><u>(b) bar code;</u></p> <p><u>(c) RFID chip;</u></p> <p><u>(d) permalink.</u></p> <p><u>5. The construction digital product passport shall be accessible free of charge to all economic operators, clients, users and authorities through the data carrier. Different levels of access can be provided taking into account the need to protect intellectual property rights, sensitive commercial information or to ensure the safety of construction works.</u></p> <p><u>6. Construction digital product passports shall be made accessible on the manufacturer's website, database or an online platform chosen by the</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|  |                     | <p><u>manufacturer of the respective products for 10 years after the last product has been placed on the market. After this time frame, the information shall either continue to be made accessible by the manufacturer or shall be transferred to the centralised Commission registry established in accordance with Article 81d.</u></p> <p><u>7. The manufacturer shall at least biennially verify the correctness of the information contained in the construction digital product passport.</u></p> <p><u>8. Once a construction product is placed on the market, the information in the construction digital product passport connected to it may only be modified in order to correct clerical mistakes. Any modifications shall be available using the same data carrier and shall include detailed information about the new version and the reasons for the update.</u></p> |                 |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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| Article 81b |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 904c        |                     | <p><u><i>Article 81b</i></u></p> <p><u><i>General requirements for the construction digital product passport</i></u></p> <p><u><i>1. A construction digital product passport shall meet the following conditions:</i></u></p> <p><u><i>(a) it shall be connected through one or more than one data carrier to the unique identification code of the product-type;</i></u></p> <p><u><i>(b) the data carrier shall be affixed in a visible, legible and inedible manner to the product or to a label attached to it. Where the nature of the product does not allow or guarantee this, it shall be indicated on the packaging or on the accompanying documents;</i></u></p> <p><u><i>(c) the data carrier shall comply with standard ('ISO/IEC') 15459:2015;</i></u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|  |                     | <p><u>(d) all information included in the construction digital product passport shall be based on open, standards, developed with an interoperable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in Article 81c. Technical documentation referred to in Article 81a(2)(c) shall be exempted from this obligation when justified for technical reasons;</u></p> <p><u>(e) the information included in the construction digital product passport shall refer to the product corresponding to the unique identification code of the product-type.</u></p> <p><u>The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data</u></p> |                 |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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|             |                     | <p><u>carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.</u></p> <p><u>2. The economic operator placing the product on the market shall provide other economic operators with a digital copy of the data carrier to allow the other economic operator to make it accessible to customers where they cannot physically access the product. The economic operator placing the product on the market shall provide that digital copy free of charge and within 5 working days of the request of the other economic operator.</u></p> |                 |                 |
| Article 81c |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 904d        |                     | <p><u>Article 81c</u></p> <p><u>Technical design and operation of the construction digital product passport</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                 |



|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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|  |                     | <p><u>The technical design and operation of the construction digital product passport shall comply with the following essential requirements:</u></p> <p><u>(a) construction digital product passports shall be fully interoperable with other construction digital product passports in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;</u></p> <p><u>(b) the data included in the construction digital product passport shall be stored by the manufacturers responsible for its creation or by operators authorised to act on their behalf;</u></p> <p><u>(c) if the data included in the construction digital product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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|  |                     | <p><u>relevant storing or processing services;</u></p> <p><u>(d) the construction digital product passport shall remain available for at least 10 years after the last placing on the market of the respective construction product, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport; after this time frame information can continue to be made available by manufacturer or shall be transferred to the centralised Commission registry;</u></p> <p><u>(e) data authentication, reliability and integrity shall be ensured;</u></p> <p><u>(f) construction digital product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.</u></p> <p><u>The Commission is empowered to adopt delegated acts in accordance with Article 87 to amend the essential requirements</u></p> |                 |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|             |                     | <u><i>specified in this Article in light of technical and scientific progress.</i></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |                 |
| Article 81d |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                 |
| 904e        |                     | <p><u><i>Article 81d</i></u></p> <p><u><i>Construction product passport registry</i></u></p> <p><u><i>1. The Commission shall set up and maintain a registry storing information included in the construction product passports by delegated acts adopted pursuant to Article 87.</i></u></p> <p><u><i>The registry referred to in the first subparagraph shall include, at least:</i></u></p> <p><u><i>(a) a list of the data carriers and the unique product identifiers referred to in Article 81b(1), point (a);</i></u></p> <p><u><i>(b) the information set out in Article 81a(2), as transferred by</i></u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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|  |                     | <p><u>manufacturer.</u></p> <p><u>The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.</u></p> <p><u>2. The Commission shall adopt delegated acts pursuant to Article 87 supplementing this Regulation by specifying the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1 of this Article, taking into account at least the following criteria:</u></p> <p><u>(a) the need to allow for the verification of the authenticity of the product passport;</u></p> <p><u>(b) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to construction products;</u></p> |                 |                 |

|           | Commission Proposal        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate            | Draft Agreement |
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|           |                            | <p><u>(c) the need to avoid a disproportionate administrative burden for economic operators.</u></p> <p><u>3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8) of Regulation (EU) 2018/1725.</u></p> <p><u>4. The economic operator placing the product on the market shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.</u></p> |                            |                 |
| CHAPTER X |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |                 |
| 905       | CHAPTER X<br>INTERNATIONAL | CHAPTER X<br>INTERNATIONAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CHAPTER X<br>INTERNATIONAL |                 |

|               | Commission Proposal                                                                                                                                                                          | EP Mandate                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | COOPERATION                                                                                                                                                                                  | COOPERATION                                                                                                                                                                                  | COOPERATION                                                                                                                                                                                                                                                                                                                      |                 |
| Article 82    |                                                                                                                                                                                              |                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                  |                 |
| 906           | Article 82<br>International cooperation                                                                                                                                                      | Article 82<br>International cooperation                                                                                                                                                      | Article 82<br>International cooperation                                                                                                                                                                                                                                                                                          |                 |
| Article 82(1) |                                                                                                                                                                                              |                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                  |                 |
| 907           | 1. The Commission may cooperate, including through the exchange of information, with third countries or international organisations in the field of application of this Regulation, such as: | 1. The Commission may cooperate, including through the exchange of information, with third countries or international organisations in the field of application of this Regulation, such as: | 1. The Commission may <del>cooperate, including through the exchange of information, with,</del> <u>for the purpose of the protection of health, safety or the environment, cooperate with regulatory authorities of</u> third countries or international organisations in the field of application of this Regulation, such as: |                 |

|                          | Commission Proposal                                                                                                         | EP Mandate                                                                                                                  | Council Mandate                                                                                                                                               | Draft Agreement |
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| Article 82(1), point (a) |                                                                                                                             |                                                                                                                             |                                                                                                                                                               |                 |
| 908                      | (a) enforcement activities and measures related to safety and protection of the environment, including market surveillance; | (a) enforcement activities and measures related to safety and protection of the environment, including market surveillance; | (a) <u>exchange of information on</u> enforcement activities and measures related to safety and protection of the environment, including market surveillance; |                 |
| Article 82(1), point (b) |                                                                                                                             |                                                                                                                             |                                                                                                                                                               |                 |
| 909                      | (b) exchange of data of economic operators;                                                                                 | (b) exchange of data of economic operators;                                                                                 | (b) exchange of data of economic operators;                                                                                                                   |                 |
| Article 82(1), point (c) |                                                                                                                             |                                                                                                                             |                                                                                                                                                               |                 |
| 910                      | (c) assessment methods and product testing;                                                                                 | (c) assessment methods and product testing;                                                                                 | (c) <u>exchange of information on</u> assessment methods and product testing;                                                                                 |                 |

|                          | Commission Proposal                                                                                                       | EP Mandate                                                                                                                                      | Council Mandate                                                                                                                          | Draft Agreement |
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| Article 82(1), point (d) |                                                                                                                           |                                                                                                                                                 |                                                                                                                                          |                 |
| 911                      | (d) coordinated product recalls, requests for corrective actions and other similar actions;                               | (d) coordinated product recalls, requests for corrective actions and other similar actions;                                                     | (d) <del>coordinated</del> <u>exchange of information on</u> product recalls, requests for corrective actions and other similar actions; |                 |
| Article 82(1), point (e) |                                                                                                                           |                                                                                                                                                 |                                                                                                                                          |                 |
| 912                      | (e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment; | (e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment <u>and consumers</u> ; | (e) scientific, technical, and regulatory matters, aiming to improve product safety or the protection of the environment;                |                 |
| Article 82(1), point (f) |                                                                                                                           |                                                                                                                                                 |                                                                                                                                          |                 |
| 913                      | (f) emerging issues of significant environmental, health and safety relevance;                                            | (f) emerging issues of significant environmental, health and safety relevance;                                                                  | (f) <u>exchange of information on</u> emerging issues of significant environmental, health and safety                                    |                 |



|                                                | Commission Proposal                     | EP Mandate                              | Council Mandate                                                                                                                                   | Draft Agreement |
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|                                                |                                         |                                         | relevance;                                                                                                                                        |                 |
| Article 82(1), point (g)                       |                                         |                                         |                                                                                                                                                   |                 |
| 914                                            | (g) standardisation-related activities; | (g) standardisation-related activities; | (g) <u>exchange of information on</u> standardisation-related activities;                                                                         |                 |
| Article 82(1), point (h)                       |                                         |                                         |                                                                                                                                                   |                 |
| 915                                            | (h) exchange of officials.              | (h) exchange of officials.              | (h) exchange of officials.                                                                                                                        |                 |
| Article 82(1), point (ga), second subparagraph |                                         |                                         |                                                                                                                                                   |                 |
| 915a                                           |                                         |                                         | <u>The exchange of information pursuant to this paragraph shall respect confidentiality rules and be in accordance with applicable Union law.</u> |                 |

|                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                                     |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| Article 82(-1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 915b                                |                                                                                                                                                                                                                                                                                                                                                                       | <u><i>The Commission shall regularly inform Member States about the cooperation activities with third countries or international organisations it undertakes pursuant to the first subparagraph.</i></u>                                                                                                                                                                                                         |                 |                 |
| Article 82(2)                       |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 916                                 | 2. The Commission may provide third countries or international organisations with selected information from the product database or system referred to in Article 78, to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance with this Regulation and receive relevant information on products and on preventive, | 2. The Commission, <u><i>after consultation with the Member States,</i></u> may provide third countries or international organisations with selected information from the <del><i>product database or system referred to in Article 78,</i></del> <u><i>digital construction product passport</i></u> to the system referred to in Article 77 and to the information exchanged amongst authorities in accordance | <i>deleted</i>  |                 |

|                          | Commission Proposal                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                     | Draft Agreement |
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|                          | restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant. | with this Regulation and receive relevant information on products and on preventive, restrictive and corrective measures taken by these third countries or international organisations. The Commission shall share such information with national authorities, where relevant. |                                                                                                                     |                 |
| Article 82(3)            |                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                |                                                                                                                     |                 |
| 917                      | 3. The information exchange referred to in paragraph 2 may take the form of either:                                                                                                       | 3. The information exchange referred to in paragraph 2 may take the form of either:                                                                                                                                                                                            | 3. The information exchange referred to in paragraph <del>2</del> <u>1</u> may take the form of <del>either</del> : |                 |
| Article 82(3), point (a) |                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                |                                                                                                                     |                 |
| 918                      | (a) a non-systematic exchange, in duly justified and specific cases;                                                                                                                      | (a) a non-systematic exchange, in duly justified and specific cases;                                                                                                                                                                                                           | (a) a non-systematic exchange, in duly justified and specific cases; <u>or</u>                                      |                 |

|                                                | Commission Proposal                                                                                                                                       | EP Mandate                                                                                                                                                | Council Mandate                                                                                                                                           | Draft Agreement |
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| Article 82(3), point (b)                       |                                                                                                                                                           |                                                                                                                                                           |                                                                                                                                                           |                 |
| 919                                            | (b) a systematic exchange, based on an administrative arrangement specifying the type of information to be exchanged and the modalities for the exchange. | (b) a systematic exchange, based on an administrative arrangement specifying the type of information to be exchanged and the modalities for the exchange. | (b) a systematic exchange, based on an administrative arrangement specifying the type of information to be exchanged and the modalities for the exchange. |                 |
| Article 82(3), point (aa), second subparagraph |                                                                                                                                                           |                                                                                                                                                           |                                                                                                                                                           |                 |
| 919a                                           |                                                                                                                                                           |                                                                                                                                                           | <u>Where relevant for Member States, the Commission shall share information received through these exchanges with them.</u>                               |                 |
| Article 82(4)                                  |                                                                                                                                                           |                                                                                                                                                           |                                                                                                                                                           |                 |
| 920                                            | 4. Full participation in the database system referred to in Article 78, to the system referred to                                                         | 4. Full participation in the database system referred to in Article 78, to the system referred to                                                         | 4. <del>Full participation in the database system referred to in Article 78, to the system referred to</del>                                              |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|  | <p>in Article 77 and to the information exchange amongst authorities set out in Article 80 may be open to applicant countries and third countries, provided that their legislation is aligned with this Regulation or that they recognise certificates issued by notified bodies or European technical assessments in accordance with this Regulation. Such participation is subject to the fulfilment of the same obligations as for EU Member States according to this Regulation, including notification and follow-up obligations. Full participation in the database or system referred to in Article 78 and to the system referred to in Article 77 shall be based on agreements between the European Union and those countries.</p> | <p>in Article 77 and to the information exchange amongst authorities set out in Article 80 may be open to applicant countries and third countries, provided that their legislation is aligned with this Regulation or that they recognise certificates issued by notified bodies or European technical assessments in accordance with this Regulation. Such participation is subject to the fulfilment of the same obligations as for EU Member States according to this Regulation, including notification and follow-up obligations. Full participation in the database or system referred to in Article 78 and to the system referred to in Article 77 shall be based on agreements between the European Union and those countries.</p> | <p><del>in Article 77 and to the information exchange amongst</del><u>The Commission may, by implementing acts, give regulatory</u> authorities <del>set out in Article 80 may be open to applicant countries and</del><u>of selected</u> third countries; <del>provided that their legislation is aligned with</del> <u>that voluntarily apply</u> this Regulation or that <del>they recognise certificates issued by notified bodies or European technical assessments in accordance with</del><u>have regulatory systems for construction products similar to</u> this Regulation. <del>Such participation is subject to the fulfilment of the same obligations as for EU Member States according to this Regulation, including notification and follow-up obligations. Full participation in the database or system referred to in Article 78 and to the system referred to in Article 77 shall be based on agreements between the European Union and those countries.</del> <u>access to or the right to fully participate in one or more of the following:</u></p> |                 |

|                                               | Commission Proposal | EP Mandate | Council Mandate                                                                                     | Draft Agreement |
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| Article 82(3a), first subparagraph, point (a) |                     |            |                                                                                                     |                 |
| 920a                                          |                     |            | <u>(a) the information and communication system established in accordance with Article 77(1);</u>   |                 |
| Article 82(3a), first subparagraph, point (b) |                     |            |                                                                                                     |                 |
| 920b                                          |                     |            | <u>(b) the Union construction products database or system set up in accordance with Article 78;</u> |                 |
| Article 82(3a), first subparagraph, point (c) |                     |            |                                                                                                     |                 |
| 920c                                          |                     |            | <u>(c) the training events organized in accordance with Article 80(2).</u>                          |                 |
| Article 82(3a), second subparagraph           |                     |            |                                                                                                     |                 |

|                                    | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| 920d                               |                     |            | <u>Access to these programmes shall be granted on the condition that the third country concerned commit to engage against economic operators infringing this Regulation from their territory and ensure confidentiality.</u>                                                                                                                                                                                                                             |                 |
| Article 82(3a), third subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 920e                               |                     |            | <u>Full participation in these programmes may be offered to candidate countries and third countries, provided that the third country's legislation is aligned with this Regulation and that it recognises certificates issued by notified bodies or European technical assessments in accordance with this Regulation. Such participation is subject to the fulfilment of the same obligations as for EU Member States according to this Regulation.</u> |                 |

|                                     | Commission Proposal                                                                                                                                          | EP Mandate     | Council Mandate                                                                                                                                                                                                                                          | Draft Agreement |
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|                                     |                                                                                                                                                              |                | <u>including notification and follow-up obligations. Full participation in the database or system referred to in Article 78 and to the system referred to in Article 77 shall be based on agreements between the European Union and those countries.</u> |                 |
| Article 82(3a), fourth subparagraph |                                                                                                                                                              |                |                                                                                                                                                                                                                                                          |                 |
| 920f                                |                                                                                                                                                              |                | <u>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 88(1).</u>                                                                                                                                  |                 |
| Article 82(5)                       |                                                                                                                                                              |                |                                                                                                                                                                                                                                                          |                 |
| 921                                 | 5. Where agreements with third countries permit the mutual support in terms of enforcement, Member States may, after consultation of the Commission, use the | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                           |                 |



|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                       | Draft Agreement |
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|                      | <p>empowerments set out in Chapter VIII also for action against economic operators acting unlawful in or with respect to third countries, provided that the third countries respect the fundamental values referred to in Article 2 TEU, including the rule of law. Member States may request via the Commission third countries to enforce measures adopted in accordance with Chapter VIII. No cooperation under this Paragraph shall happen where there is no de facto reciprocity or where the Commission raises other concerns, namely with regard to the legal conditions set out in this Article or confidentiality of data.</p> |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                 |
| <i>Article 82(6)</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                       |                                                                                                                                                                                                       |                 |
| 922                  | <p>6. Any information exchange under this article, to the extent it involves personal data, shall be carried out in accordance with EU data protection rules. If no adequacy decision pursuant to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>6. Any information exchange under this article, to the extent it involves personal data, shall be carried out in accordance with EU data protection rules. If no adequacy decision pursuant to</p> | <p>6. Any information exchange under this article, to the extent it involves personal data, shall be carried out in accordance with EU data protection rules. If no adequacy decision pursuant to</p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|               | Article 45 of Regulation (EU) 2016/679 has been adopted by the Commission in respect of the third country or international organisation concerned, the information exchange shall exclude personal data. If an adequacy decision for the third country or international organisation has been adopted, the information exchange with that third country or international organisation may contain personal data falling within the scope of the adequacy decision and only to the extent that such exchange is necessary for the sole purpose of the protection of health, safety or the environment. | Article 45 of Regulation (EU) 2016/679 has been adopted by the Commission in respect of the third country or international organisation concerned, the information exchange shall exclude personal data. If an adequacy decision for the third country or international organisation has been adopted, the information exchange with that third country or international organisation may contain personal data falling within the scope of the adequacy decision and only to the extent that such exchange is necessary for the sole purpose of the protection of health, safety or the environment. | Article 45 of Regulation (EU) 2016/679 has been adopted by the Commission in respect of the third country or international organisation concerned, the information exchange shall exclude personal data. If an adequacy decision for the third country or international organisation has been adopted, the information exchange with that third country or international organisation may contain personal data falling within the scope of the adequacy decision and only to the extent that such exchange is necessary for the sole purpose of the protection of health, safety or the environment. |                 |
| Article 82(7) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 923           | 7. The information exchanged pursuant to this Article shall be used for the sole purpose of the protection of health, safety or the environment and respect confidentiality rules.                                                                                                                                                                                                                                                                                                                                                                                                                    | 7. The information exchanged pursuant to this Article shall be used for the sole purpose of the protection of health, safety or the environment and respect confidentiality rules.                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|                                   | Commission Proposal                                                 | EP Mandate                                                          | Council Mandate                                                                | Draft Agreement |
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|                                   |                                                                     |                                                                     |                                                                                |                 |
| CHAPTER XI                        |                                                                     |                                                                     |                                                                                |                 |
| 924                               | CHAPTER XI<br>INCENTIVES AND PUBLIC<br>PROCUREMENT                  | CHAPTER XI<br>INCENTIVES AND PUBLIC<br>PROCUREMENT                  | CHAPTER XI<br>INCENTIVES AND PUBLIC<br>PROCUREMENT                             |                 |
| Article 83                        |                                                                     |                                                                     |                                                                                |                 |
| 925                               | Article 83<br>Member State incentives                               | Article 83<br>Member State incentives                               | Article 83<br>Member State incentives <u>for<br/>construction products</u>     |                 |
| Article 83(1), first subparagraph |                                                                     |                                                                     |                                                                                |                 |
| 926                               | 1. Where Member States provide<br>incentives for a product category | 1. Where Member States provide<br>incentives for a product category | 1. Where Member States provide<br>incentives for a product <del>category</del> |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                                    | covered by a delegated act establishing performance classes in accordance with Article 4(4), point (a) or a “traffic-light-labelling” in accordance with Article 22(5), those incentives shall aim at the highest two populated classes / colour codes, or at higher classes / better colour codes. | covered by <del>a delegated act establishing</del> performance classes <u>established</u> in accordance with Article <del>4(4), point (a) or a “traffic-light-labelling”</del> <u>4 or a label</u> in accordance with Article 22(5), those incentives shall aim at the highest two <del>populated</del> classes, <del>colour codes, or at higher classes / better colour codes.</del> | covered by a delegated act establishing <u>classes of performance</u> <del>performance classes</del> in accordance with Article <del>4(4), point (a) or a “traffic-light-labelling”</del> <u>in accordance with Article 22(5), 4(2b) or 4a(2)(ii) to promote environmentally sustainable products</u> those incentives shall aim at the highest two <u>classes of performance that are populated at Union level</u> <del>populated classes / colour codes, or at higher classes / better colour codes.</del> |                 |
| Article 83(1), second subparagraph |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 927                                | Where a delegated act defines classes of performance in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.                                                                                        | Where <del>a delegated act defines</del> classes of performance <u>are defined</u> in relation to more than one sustainability parameter, it shall be indicated therein in relation to which parameter this Article should be implemented.                                                                                                                                            | <u>1a.</u> Where a delegated act <del>defines</del> <u>determines</u> classes of performance in relation to more than one <u>essential characteristic, the Commission may in order to boost demand of environmentally sustainable products, in implementing acts specify the essential characteristics that Member States incentives, as a</u>                                                                                                                                                               |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                     | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                                    |                                                                                                                                                                                                                                                         |                | <del>minimum, sustainability parameter, it</del> shall <u>concern and that the highest two classes of performance can be incentivised.</u> <u>These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2)</u> <del>be indicated therein in relation to which parameter this Article should be implemented.</del> |                 |
| Article 83(2), first subparagraph  |                                                                                                                                                                                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 928                                | 2. Where no delegated act is adopted pursuant to Article 4(4), the Commission may specify in the delegated acts adopted pursuant to Article 4(3), which levels of performance related to product parameters the Member States incentives shall concern. | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                          |                 |
| Article 83(2), second subparagraph |                                                                                                                                                                                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 929                                |                                                                                                                                                                                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                                      | Commission Proposal                                                                     | EP Mandate     | Council Mandate | Draft Agreement |
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|                                                      | When doing so, the Commission shall take into account the following criteria:           | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 83(2), second subparagraph, point (a)</i> |                                                                                         |                |                 |                 |
| 930                                                  | (a) the relative affordability of the products depending on their level of performance; | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 83(2), second subparagraph, point (b)</i> |                                                                                         |                |                 |                 |
| 931                                                  | (b) the need to ensure sufficient demand for more environmentally sustainable products. | <i>deleted</i> | <i>deleted</i>  |                 |
| <i>Article 83(3)</i>                                 |                                                                                         |                |                 |                 |
| 931a                                                 |                                                                                         |                |                 |                 |

|                           | Commission Proposal | EP Mandate | Council Mandate                                                                                                                             | Draft Agreement |
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|                           |                     |            | <u>3. When preparing the implementing acts referred to in paragraph 1a, the Commission shall take into account the following criteria:</u>  |                 |
| Article 83(2a), point (a) |                     |            |                                                                                                                                             |                 |
| 931b                      |                     |            | <u>(a) the number of products in each class of performance;</u>                                                                             |                 |
| Article 83(2a), point (b) |                     |            |                                                                                                                                             |                 |
| 931c                      |                     |            | <u>(b) the need to ensure affordability of the products meeting those requirements, to avoid significant negative impacts on consumers.</u> |                 |
| Article 83(2a)            |                     |            |                                                                                                                                             |                 |

|               | Commission Proposal                                                                                 | EP Mandate                                                                                                                                                                                                                         | Council Mandate                                                                                                | Draft Agreement |
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| 931d          |                                                                                                     | <u>2a. Member States may also provide incentives for the promotion of environmentally friendly and sustainable construction products that are not covered by harmonised technical specifications in line with State aid rules.</u> |                                                                                                                |                 |
| Article 84    |                                                                                                     |                                                                                                                                                                                                                                    |                                                                                                                |                 |
| 932           | Article 84<br>Green public procurement                                                              | Article 84<br>Green public procurement                                                                                                                                                                                             | Article 84<br>Green public procurement <u>of construction products</u>                                         |                 |
| Article 84(1) |                                                                                                     |                                                                                                                                                                                                                                    |                                                                                                                |                 |
| 933           | 1. The Commission is empowered to supplement this Regulation by delegated acts according to Article | 1. <u>Without prejudice to Directives 2014/24/EU and 2014/25/EU</u> , the Commission is empowered to                                                                                                                               | 1. The Commission is empowered to <del>supplement this Regulation by delegated acts according to Article</del> |                 |



|               | Commission Proposal                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               | 87 by establishing sustainability requirements applicable to public contracts, including implementation, monitoring and reporting of those requirements by Member States. | <del>supplement this Regulation by adopt</del> delegated acts <del>according to in accordance with</del> Article 87 <u>supplementing this Regulation</u> by establishing sustainability requirements <del>applicable</del> <u>that shall be applied by Member States</u> to public contracts <u>that are specifically tendered as green public procurement contracts</u> , including implementation, monitoring and reporting of those requirements by Member States. <u>The first delegated act shall be adopted by the Commission by 31 December 2026. Member States and the Commission shall provide technical and financial assistance to national contracting authorities to upskill and reskill the staff in charge of green public procurement.</u> | <del>87 by establishing sustainability</del> <u>adopt implementing acts specifying minimum mandatory environmental sustainability requirements for public procurement of construction products, in order to incentivise the supply and demand for environmentally sustainable products. These</u> requirements <del>applicable to public contracts, including implementation, monitoring and reporting of</del> <u>shall be set on products covered by harmonised technical specifications and shall not apply to the procurement of construction works.</u> Those <del>requirements by Member States</del> <u>implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2).</u> |                 |
| Article 84(2) |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 934           | 2. Requirements adopted pursuant to paragraph 1 for public contracts                                                                                                      | 2. <u>Sustainability</u> requirements <del>adopted</del> <u>established</u> pursuant to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2. Requirements adopted pursuant to paragraph 1 for public contracts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                          | awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate. | paragraph 1 for <u>green</u> public <u>procurement</u> contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory <u>performance levels or</u> technical specifications, <u>or, as appropriate</u> , selection criteria, award criteria; <u>or</u> contract performance clauses, <del>or targets, as appropriate</del> <u>while taking into consideration the specific needs and constraints of small local authorities and of SMEs</u> . | awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3, point (1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, <del>may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.</del> <u>shall, as appropriate to the product family of category concerned, take the form of</u> |                 |
| Article 84(2), point (i) |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 934a                     |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>(i) technical specifications within the meaning of paragraph 1 of Annex VII of Directive 2014/24/EU and of Article 60 of Directive 2014/25/EU,</u>                                                                                                                                                                                                                                                                                                                             |                 |

|                            | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                           | Draft Agreement |
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|                            |                     |            |                                                                                                                                                           |                 |
| Article 84(2), point(ii)   |                     |            |                                                                                                                                                           |                 |
| 934b                       |                     |            | <u>(ii) selection criteria within the meaning of Article 58 of Directive 2014/24/EU and of Article 80 of Directive 2014/25/EU,</u>                        |                 |
| Article 84(2), point (iii) |                     |            |                                                                                                                                                           |                 |
| 934c                       |                     |            | <u>(iii) contract performance clauses within the meaning of Article 70 of Directive 2014/24/EU and of Article 87 of Directive 2014/25/EU,</u><br><u>.</u> |                 |
| Article 84(2a)             |                     |            |                                                                                                                                                           |                 |

|                           | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                      | Draft Agreement |
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| 934d                      |                     |            | <u>2a. The environmental sustainability requirements referred to in paragraph 1 shall be set as appropriate in view of the specificities of to the product family of category concerned and may:</u> |                 |
| Article 84(2a), point (a) |                     |            |                                                                                                                                                                                                      |                 |
| 934e                      |                     |            | <u>(a) include requirements based on the essential characteristics specified in harmonised technical specifications.</u>                                                                             |                 |
| Article 84(2a), point (b) |                     |            |                                                                                                                                                                                                      |                 |
| 934f                      |                     |            | <u>(b) where classes of performance have been defined in accordance with Article 4(2b) or 4a(2ii), require products to fulfil one of</u>                                                             |                 |

|                          | Commission Proposal                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                | Draft Agreement |
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|                          |                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>the highest two classes of performance that are populated at Union level.</u>                                                               |                 |
| Article 84(3)            |                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                |                 |
| 935                      | 3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission shall take into account the following criteria: | 3. When establishing <u>sustainability</u> requirements pursuant to paragraph 1 for <u>green</u> public <u>procurement</u> contracts, the Commission shall, <u>in line with paragraphs 13 and 28 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, consult experts designated by each Member State and relevant stakeholders, carry out an impact assessment and</u> take into account <u>at least</u> the following criteria: | 3. When establishing requirements pursuant to paragraph 1 for public contracts, the Commission shall take into account the following criteria: |                 |
| Article 84(3), point (a) |                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                |                 |
| 936                      | (a) the value and volume of public                                                                                                             | (a) the value and volume of public                                                                                                                                                                                                                                                                                                                                                                                                                      | (a) the value and volume of public                                                                                                             |                 |

|                           | Commission Proposal                                                                                                                  | EP Mandate                                                                                                                           | Council Mandate                                                                                                                                                                | Draft Agreement |
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|                           | contracts awarded for that given product family or category or for the services or works using the given product family or category; | contracts awarded for that given product family or category or for the services or works using the given product family or category; | contracts awarded for <del>that given</del> <u>the relevant</u> product family or category <del>or for the services or works using the given product family or category;</del> |                 |
| Article 84(3), point (aa) |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                |                 |
| 936a                      |                                                                                                                                      | <u>(aa) environmental benefits entailed by the uptake of products in the highest two performance classes;</u>                        |                                                                                                                                                                                |                 |
| Article 84(3), point (b)  |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                |                 |
| 937                       | (b) the need to ensure sufficient demand for more environmentally sustainable products;                                              | (b) the need to ensure sufficient demand for more environmentally sustainable products;                                              | <i>deleted</i>                                                                                                                                                                 |                 |
| Article 84(3), point (c)  |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                |                 |

|                           | Commission Proposal                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                              | Draft Agreement |
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| 938                       | (c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs. | (c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs- <u>and taking into account the availability of those products on the market;</u> | (c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs. |                 |
| Article 84(3), point (ca) |                                                                                                                                                                              |                                                                                                                                                                                                                                                               |                                                                                                                                                                              |                 |
| 938a                      |                                                                                                                                                                              |                                                                                                                                                                                                                                                               | <u>(d) the market situation at Union level of the relevant product family or category;</u>                                                                                   |                 |
| Article 84(3), point (cb) |                                                                                                                                                                              |                                                                                                                                                                                                                                                               |                                                                                                                                                                              |                 |
| 938b                      |                                                                                                                                                                              |                                                                                                                                                                                                                                                               | <u>(e) the effects of the requirements on competition.</u>                                                                                                                   |                 |

|                           | Commission Proposal | EP Mandate                                                                         | Council Mandate                                                                                                                                                        | Draft Agreement |
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| Article 84(3), point (ca) |                     |                                                                                    |                                                                                                                                                                        |                 |
| 938c                      |                     | <u>(ca) the impact on, and needs of, SMEs.</u>                                     |                                                                                                                                                                        |                 |
| Article 84(3), point (cb) |                     |                                                                                    |                                                                                                                                                                        |                 |
| 938d                      |                     | <u>(cb) the Members States' regulatory needs and different climate conditions;</u> |                                                                                                                                                                        |                 |
| Article 84(4)             |                     |                                                                                    |                                                                                                                                                                        |                 |
| 938e                      |                     |                                                                                    | <u>4. Contracting authorities and contracting entities referred to in paragraph 2 may, in duly justified cases, derogate from the mandatory requirements specified</u> |                 |



|                | Commission Proposal | EP Mandate                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                |                     |                                                                                                                                                                                                  | <u>in an implementing act referred to in paragraph 1 on the grounds of public security and public health. Contracting authorities may also, in duly justified cases, derogate from these mandatory requirements, when those would lead to disproportionate technical difficulties.</u> |                 |
| Article 84(3a) |                     |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                        |                 |
| 938f           |                     | <u>3a. Sustainability requirements established pursuant to paragraph 1 for green public procurement contracts shall not prevent Member States from establishing more ambitious requirements.</u> |                                                                                                                                                                                                                                                                                        |                 |
| Article 84(3b) |                     |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                        |                 |
| 938g           |                     | <u>3b. Notwithstanding paragraphs 1 and 2, Member States may use</u>                                                                                                                             |                                                                                                                                                                                                                                                                                        |                 |

|             | Commission Proposal                             | EP Mandate                                                                                                                                                                                                                                                                                                                       | Council Mandate                                 | Draft Agreement |
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|             |                                                 | <a href="#"><u>the EU Ecolabel and other national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010 as award criteria, technical specifications or contract performance requirements, in line with Article 43 of Directive 2014/24/EU.</u></a> |                                                 |                 |
| CHAPTER XII |                                                 |                                                                                                                                                                                                                                                                                                                                  |                                                 |                 |
| 939         | CHAPTER XII<br>REGULATORY STATUS OF<br>PRODUCTS | CHAPTER XII<br>REGULATORY STATUS OF<br>PRODUCTS                                                                                                                                                                                                                                                                                  | CHAPTER XII<br>REGULATORY STATUS OF<br>PRODUCTS |                 |
| Article 85  |                                                 |                                                                                                                                                                                                                                                                                                                                  |                                                 |                 |
| 940         | Article 85<br>Regulatory status of products     | Article 85<br>Regulatory status of products                                                                                                                                                                                                                                                                                      | Article 85<br>Regulatory status of products     |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| Article 85, first paragraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 941                         | Upon a duly substantiated request of a Member State or on its own initiative, the Commission may, by means of implementing acts, determine whether or not a specific item, or category of items, falls within the definition of ‘construction product’ or constitute an item referred to in Article 2(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2) of this Regulation. | Upon a duly substantiated request of a Member State or on its own initiative, the Commission may, by means of implementing acts, determine whether or not a specific item, or category of items, falls within the definition of ‘construction product’ or constitute an item referred to in Article 2(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2) of this Regulation. | Upon a duly substantiated request of a Member State or on its own initiative, the Commission may, by means of implementing acts, determine whether or not a specific item, or category of items, falls within the definition of ‘construction product’ <del>or constitute</del> <del>an item</del> <sup>as</sup> referred to in Article <del>2(1)</del> <sup>3(1)</sup> .<br><br>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88(2) of this Regulation. |                 |
| CHAPTER XIII                |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 942                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                               | Commission Proposal                                      | EP Mandate                                               | Council Mandate | Draft Agreement |
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|                                               | CHAPTER XIII<br>AMENDMENTS                               | CHAPTER XIII<br>AMENDMENTS                               | <i>deleted</i>  |                 |
| <i>Article 86</i>                             |                                                          |                                                          |                 |                 |
| 943                                           | Article 86<br>Amendments to Regulation (EU)<br>2019/1020 | Article 86<br>Amendments to Regulation (EU)<br>2019/1020 | <i>deleted</i>  |                 |
| <i>Article 86, first paragraph</i>            |                                                          |                                                          |                 |                 |
| 944                                           | Regulation (EU) 2019/1020 is<br>amended as follows:      | Regulation (EU) 2019/1020 is<br>amended as follows:      | <i>deleted</i>  |                 |
| <i>Article 86, first paragraph, point (1)</i> |                                                          |                                                          |                 |                 |

|                                                                                            | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate | Draft Agreement |
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| 945                                                                                        | <p>(1) in Article 4(5), the following text is added: “[EU) 2020/...(*<sup>1</sup>)”</p> <p>_____</p> <p>1. *[Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (For the Publications Office to fill in the OJ publication details)]”.</p> | <p>(1) in Article 4(5), the following text is added: “[EU) 2020/...(*<sup>1</sup>)”</p> <p>_____</p> <p>1. *[Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (For the Publications Office to fill in the OJ publication details)]”.</p> | <i>deleted</i>  |                 |
| <i>Article 86, first paragraph, point (2)</i>                                              |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 946                                                                                        | <p>(2) in Annex I, the following point 72 is added to the List of Union harmonisation legislation:</p>                                                                                                                                                                                                                                                                                                   | <p>(2) in Annex I, the following point 72 is added to the List of Union harmonisation legislation:</p>                                                                                                                                                                                                                                                                                                   | <i>deleted</i>  |                 |
| <i>Article 86, first paragraph, point (2), amending provision, numbered paragraph (72)</i> |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 947                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |

|             | Commission Proposal                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                      | Council Mandate                            | Draft Agreement |
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|             | <p>“</p> <p>72. Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (the Publications Office to fill in the OJ publication details);.</p> <p>”</p> | <p>“</p> <p>72. Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (the Publications Office to fill in the OJ publication details);.</p> <p>”</p> | <p><i>deleted</i></p>                      |                 |
| CHAPTER XIV |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                            |                 |
| 948         | <p>CHAPTER XIV</p> <p>FINAL PROVISIONS</p>                                                                                                                                                                                                                                                                      | <p>CHAPTER XIV</p> <p>FINAL PROVISIONS</p>                                                                                                                                                                                                                                                                      | <p>CHAPTER XIV</p> <p>FINAL PROVISIONS</p> |                 |
| Article 87  |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                            |                 |
| 949         |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                 |                                            |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|               | Article 87<br>Delegated acts                                                                                                                                                                                                                                                                                              | Article 87<br>Delegated acts                                                                                                                                                                                                                                                                                              | Article 87<br>Delegated acts                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| Article 87(1) |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 950           | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.                                                                                                                                                                                                  | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.                                                                                                                                                                                                  | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.                                                                                                                                                                                                                                                                                                                                                                |                 |
| Article 87(2) |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 951           | 2. The power to adopt delegated acts referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall be conferred on the Commission for a | 2. The power to adopt delegated acts referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall be conferred on the Commission for a | 2. The power to adopt delegated acts referred to in Article <del>4(3)</del> , <del>(4)</del> <u>3a(6)</u> , <u>Article 4(2g)</u> , <u>Article 4a(2)</u> , <u>(3)</u> and (5), Article <del>5(2)</del> <u>5(1)</u> and (3), Article 6(1) <del>to</del> <u>and</u> (3), Article 8, Article 11(3), <del>Article 22(4) and (5)</del> , <u>36(5) and</u> Article <del>35(4)</del> , <del>Article 44(1)</del> , <del>Article 73(1) and (2)</del> , <del>Article 78(1)</del> <u>78(1c) and</u> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               | period of five years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. | period of five years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. | <u>(1c1)</u> , <del>Article 84(1) and Article 90(4)</del> shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. |                 |
| Article 87(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 952           | 3. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>1</sup> .                                                                                                                                                                                                           | 3. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>1</sup> .                                                                                                                                                                                                           | 3. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>1</sup> .                                                                                                                                                                                                                                                                                                                |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|               | <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, p. 1–14.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, p. 1–14.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, p. 1–14.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 87(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 953           | <p>4. The delegation of powers referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the</p> | <p>4. The delegation of powers referred to in Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the</p> | <p>4. The delegation of powers referred to in Article <del>4(3), (4)</del> <u>3a(6), Article 4(2g), Article 4a(2), (3)</u> and (5), Article <del>5(2)</del> <u>5(1)</u> and (3), Article 6(1) <del>to</del> <u>and</u> (3), Article 8, Article 11(3), <del>Article 22(4) and (5),</del> <u>Article 35(4), (5), 36(5) and</u> <del>Article 35(4), Article 44(1), Article 73(1) and (2), 78(1c) and (1c1), Article 78(1), Article 84(1) and Article 90(4)</del> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the</p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|               | validity of any delegated acts already in force.                                                                                                                                                                                                                                                                       | validity of any delegated acts already in force.                                                                                                                                                                                                                                                                       | European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.                                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 87(5) |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 954           | 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.                                                                                                                                                                                  | 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.                                                                                                                                                                                  | 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| Article 87(6) |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 955           | 6. A delegated act adopted pursuant to Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall enter into force only if no objection has been | 6. A delegated act adopted pursuant to Article 4(3), (4) and (5), Article 5(2) and (3), Article 6(1) to (3), Article 8, Article 11(3), Article 22(4) and (5), Article 35(4), Article 44(1), Article 73(1) and (2), Article 78(1), Article 84(1) and Article 90(4) shall enter into force only if no objection has been | 6. A delegated act adopted pursuant to Article <del>4(3), (4)</del> <u>3a(6), Article 4(2g), Article 4a(2), (3)</u> and (5), Article <del>5(2)</del> <u>5(1)</u> and (3), Article 6(1) <del>to</del> <u>and</u> (3), Article 8, Article 11(3), <del>Article 22(4) and (5),</del> <u>Article 22(4) and (5),</u> <del>Article 35(4),</del> <u>Article 35(4),</u> <del>Article 44(1), Article 73(1) and (2),</del> <u>Article 44(1), Article 73(1) and (2),</u> <del>Article 78(1c) and (1c1),</del> <u>Article 78(1),</u> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               | expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. | expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. | <del>Article 84(1) and Article 90(4)</del><br>shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. |                 |
| Article 88    |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 956           | Article 88<br>Committee                                                                                                                                                                                                                                                                                                                                                                                                   | Article 88<br>Committee                                                                                                                                                                                                                                                                                                                                                                                                   | Article 88<br>Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 88(1) |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 957           |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                     | Commission Proposal                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                             | Draft Agreement |
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|                                     | 1. The Commission shall be assisted by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure). | 1. The Commission shall be <del>assisted</del> <i>guided</i> by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure). | 1. The Commission shall be assisted by the Committee on Construction Products. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply (advisory procedure). |                 |
| Article 88(2)                       |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                             |                 |
| 958                                 | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply (examination procedure).                                                                                                                                                                 | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply (examination procedure).                                                                                                                                                                                          | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply (examination procedure).                                                                                                                                                                 |                 |
| Article 88(1a), second subparagraph |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                             |                 |
| 958a                                |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                      | <u>Where the committee delivers no opinion, the Commission shall not adopt draft implementing acts in</u>                                                                                                                                                                                   |                 |

|               | Commission Proposal                                                                                                                                                        | EP Mandate                                                                                                                                                                 | Council Mandate                                                                                                                                                                                            | Draft Agreement |
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|               |                                                                                                                                                                            |                                                                                                                                                                            | <u><a href="#">respect of the implementing powers referred to in Articles 33, 62 and 85 of this Regulation, and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</a></u> |                 |
| Article 88(3) |                                                                                                                                                                            |                                                                                                                                                                            |                                                                                                                                                                                                            |                 |
| 959           | 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply (urgent examination procedure). | 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply (urgent examination procedure). | 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply (urgent examination procedure).                                 |                 |
| Article 89    |                                                                                                                                                                            |                                                                                                                                                                            |                                                                                                                                                                                                            |                 |
| 960           | Article 89<br>Electronic applications, decisions, documentation and information                                                                                            | Article 89<br>Electronic applications, decisions, documentation and information                                                                                            | Article 89<br>Electronic applications, decisions, documentation and information                                                                                                                            |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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| Article 89(1)                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 961                               | 1. All applications from or to notified bodies or TABs and decisions made by these bodies or authorities made in accordance with this Regulation can be provided on paper or in a commonly used electronic format provided that the signature is compliant with Regulation (EU) No 910/2014 and the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. | 1. All applications from or to notified bodies or TABs and decisions made by these bodies or authorities made in accordance with this Regulation can be provided on paper or in a commonly used electronic format provided that the signature is compliant with Regulation (EU) No 910/2014 and the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. | 1. All applications from or to notified bodies or TABs and decisions made by these bodies <del>or authorities</del> made in accordance with this Regulation can be provided on paper or in a commonly used electronic format provided that the signature is compliant with Regulation (EU) No 910/2014 and the signing person is entrusted to represent the body or economic operator, according to the law of the Member States or Union law respectively. |                 |
| Article 89(2), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 962                               | 2. All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format                                                                                                                                                                                                                                                                                    | 2. All documentation required by Article 19(7), Article 21(3), Articles 64 to 66 and Annex V can be provided on paper or in a commonly used electronic format                                                                                                                                                                                                                                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                                           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                           | and in a way that permits downloads via unmodifiable links (permalinks).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | and in a way that permits downloads via unmodifiable links (permalinks <u>or other data carriers</u> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| <i>Article 89(2), second subparagraph</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 963                                       | All information obligations set up by Article 7(3), (4) and (6), Article 19(1), (3), (5) and (6), Article 20(2) and (3), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article 26(4), Article 27(2), Articles 28 to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 78(3), Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means. However, information to be provided in | All information obligations set up by Article 7(3), <del>(4) and (6)</del> <u>and (4)</u> , Article 19(1), (3), (5) and (6), Article <del>20(2) and (3)</del> , <del>Article</del> 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article <del>26(4)</del> <u>27(2)</u> , Article <del>27(2)</del> <u>28</u> , <u>Article 29</u> , <u>Article 31</u> , <u>Article 32</u> , Articles <del>28</del> <u>34</u> to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article <del>78(3)</del> , <del>Article</del> 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7) and Article 91 can be satisfied by electronic means. | All information obligations <del>set up by Article 7(3), (4) and (6), Article 19(1), (3), (5) and (6), Article 20(2) and (3), Article 21(6) to (9), Article 22(2), points (f) and (i), Article 23(5), Article 24(6), Article 25(2), Article 26(4), Article 27(2), Articles 28 to 39, Article 41(3), Article 44(3), (4), (6) and (7), Article 45(3), Article 46(2), Article 47, article 49(5), Article 50(11), Article 53(1), Article 58(1), Article 59(2), Article 61, Article 70(1), (2), (4) and (6), Article 71(2), Article 72(1), (3) and (5), Article 76, Article 77, Article 78(3), Article 79(2), Article 79(3), Article 80(2), Article 82(1) to (3), (6) and (7)</del> <u>and under this Regulation can, unless otherwise stated, be satisfied by electronic means.</u> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|  | <p>accordance with Annex I Part D and harmonised technical specifications specifying it shall be provided on paper for products not labelled “not for consumers” or “only for professional use”. Moreover, consumers may request any other information to be provided on paper.</p> | <p><del>However,</del></p> <p>Information to be provided in accordance with Annex I Part <del>D</del> <u>and harmonised technical specifications specifying it C3, as well as any other information,</u> shall be provided <del>on</del><u>in</u> paper <del>for products not labelled "not for consumers" or "only for professional use". Moreover, consumers may request any other information to be provided on paper</del> <u>format free of charge within one month, if requested by the consumer at the time of purchase.</u></p> | <p><u>Where the information is provided by electronic means, the information shall be issued in a commonly readable electronic format that makes it possible for the recipient to download and print the information.</u></p> <p><u>Economic operators may fulfil information obligations under this Regulation by providing permalinks to documents which are accessible via an online interface, including documents that can be accessed via the database or system referred to in Article 91 can be satisfied by electronic means. However, information to be</u> <u>78. Where a permalink is</u> provided <del>in accordance with Annex I Part D and harmonised technical specifications specifying it shall be provided on paper for products not labelled "not for consumers" or "only for professional use". Moreover, consumers may request any other information to be provided on paper</del> <u>to a document which has not been shared or uploaded to the database or</u></p> |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  | <u>system, the economic operator shall ensure that the information remain accessible for at least 10 years after the placing on the market of the product concerned.</u>                                                                                                                         |                 |
| Article 90    |                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |                 |
| 964           | Article 90<br>Penalties                                                                                                                                                                                                                                                                          | Article 90<br>Penalties                                                                                                                                                                                                                                                                          | Article 90<br>Penalties                                                                                                                                                                                                                                                                          |                 |
| Article 90(1) |                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |                 |
| 965           | 1. Member States shall lay down the rules on penalties applicable to non-compliances with this Regulation and shall take all measures necessary to ensure that these rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by | 1. Member States shall lay down the rules on penalties applicable to non-compliances with this Regulation and shall take all measures necessary to ensure that these rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by | 1. Member States shall lay down the rules on penalties applicable to non-compliances with this Regulation and shall take all measures necessary to ensure that these rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by |                 |

|                          | Commission Proposal                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                          | [insert date - 3 months after to the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. | [insert date - 3 months after to the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. | [insert date - <del>3 months after to the</del> <u>1 month before</u> date of <del>entry into force of this Regulation</del> <u>application</u> ], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. |                 |
| Article 90(2)            |                                                                                                                                                                                                                               |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                 |
| 966                      | 2. Member States shall especially lay down rules on penalties for the following non-compliances of economic operators:                                                                                                        | 2. Member States shall especially lay down rules on penalties for the following non-compliances of economic operators:                                                                                                        | <i>deleted</i>                                                                                                                                                                                                                                                                                |                 |
| Article 90(2), point (a) |                                                                                                                                                                                                                               |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                               |                 |
| 967                      | (a) placing on the market or making available on the market of a product which is not CE marked whilst an CE marking is mandatory;                                                                                            | (a) placing on the market or making available on the market of a product which is not CE marked whilst an CE marking is mandatory;                                                                                            | <i>deleted</i>                                                                                                                                                                                                                                                                                |                 |

|                                 | Commission Proposal                                                                                                                                                        | EP Mandate                                                                                                                                                                 | Council Mandate | Draft Agreement |
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|                                 |                                                                                                                                                                            |                                                                                                                                                                            |                 |                 |
| <i>Article 90(2), point (b)</i> |                                                                                                                                                                            |                                                                                                                                                                            |                 |                 |
| 968                             | (b) affixing the CE marking in violation of Article 17(1) or without the correct information to be provided together with the CE marking in accordance with Article 17(2); | (b) affixing the CE marking in violation of Article 17(1) or without the correct information to be provided together with the CE marking in accordance with Article 17(2); | <i>deleted</i>  |                 |
| <i>Article 90(2), point (c)</i> |                                                                                                                                                                            |                                                                                                                                                                            |                 |                 |
| 969                             | (c) affixing of the CE marking without prior issuing of a declaration of performance;                                                                                      | (c) affixing of the CE marking without prior issuing of a declaration of performance;                                                                                      | <i>deleted</i>  |                 |
| <i>Article 90(2), point (d)</i> |                                                                                                                                                                            |                                                                                                                                                                            |                 |                 |
| 970                             | (d) issuing of a declaration of                                                                                                                                            | (d) issuing of a declaration of                                                                                                                                            |                 |                 |

|                           | Commission Proposal                                                                             | EP Mandate                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|                           | performance or declaration of conformity where the conditions therefore have not been met;      | performance or declaration of conformity where the conditions therefore have not been met;                                                                                                            | <i>deleted</i>  |                 |
| Article 90(2), point (da) |                                                                                                 |                                                                                                                                                                                                       |                 |                 |
| 970a                      |                                                                                                 | <u>(da) withholding data or technical documentation that could lead to the recall of the construction product or its components or to the refusal or withdrawal of the declaration of conformity;</u> |                 |                 |
| Article 90(2), point (e)  |                                                                                                 |                                                                                                                                                                                                       |                 |                 |
| 971                       | (e) the declaration of performance or the declaration of conformity is incomplete or incorrect; | (e) the declaration of performance or the declaration of conformity is incomplete or incorrect;                                                                                                       | <i>deleted</i>  |                 |

|                           | Commission Proposal                                                  | EP Mandate                                                                                                                                                                | Council Mandate | Draft Agreement |
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| Article 90(2), point (ea) |                                                                      |                                                                                                                                                                           |                 |                 |
| 971a                      |                                                                      | <u>(ea) making false statements during the assessment and verification procedures undergone with a view to drawing up the declarations of performance and conformity;</u> |                 |                 |
| Article 90(2), point (f)  |                                                                      |                                                                                                                                                                           |                 |                 |
| 972                       | (f) the technical documentation is missing, incomplete or incorrect; | (f) the technical documentation is missing, incomplete or incorrect;                                                                                                      | <i>deleted</i>  |                 |
| Article 90(2), point (fa) |                                                                      |                                                                                                                                                                           |                 |                 |
| 972a                      |                                                                      | <u>(fa) falsifying test results for conformity or for market surveillance;</u>                                                                                            |                 |                 |

|                          | Commission Proposal                                                                                                                                                | EP Mandate                                                                                                                                                             | Council Mandate | Draft Agreement |
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|                          |                                                                                                                                                                    |                                                                                                                                                                        |                 |                 |
| Article 90(2), point (g) |                                                                                                                                                                    |                                                                                                                                                                        |                 |                 |
| 973                      | (g) information to be provided in accordance with Annex I Part D and harmonised technical specifications is missing, incomplete or incorrect;                      | (g) information to be provided in accordance with Annex I Part <del>D</del> <sup>C3</sup> and harmonised technical specifications is missing, incomplete or incorrect; | <i>deleted</i>  |                 |
| Article 90(2), point (h) |                                                                                                                                                                    |                                                                                                                                                                        |                 |                 |
| 974                      | (h) the information referred to in paragraph Article 21(4), Article 22(2), points (f) and (i) or Article 21(7) and Article 24 is missing, incomplete or incorrect; | (h) the information referred to in paragraph Article 21(4), Article 22(2), points (f) and (i) or Article 21(7) and Article 24 is missing, incomplete or incorrect;     | <i>deleted</i>  |                 |
| Article 90(2), point (i) |                                                                                                                                                                    |                                                                                                                                                                        |                 |                 |
| 975                      |                                                                                                                                                                    |                                                                                                                                                                        |                 |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement |
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|                                 | (i) any other administrative requirement provided for in Articles 21, 22 or 24 is not fulfilled;                                                                                                                                                                                                                 | (i) any other administrative requirement provided for in Articles 21, 22 or 24 is not fulfilled;                                                                                                                                                                                                                 | <i>deleted</i>  |                 |
| <i>Article 90(2), point (j)</i> |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 976                             | (j) information due to notified bodies, TABs or authorities is not provided or is incorrect;                                                                                                                                                                                                                     | (j) information due to notified bodies, TABs or authorities is not provided or is incorrect;                                                                                                                                                                                                                     | <i>deleted</i>  |                 |
| <i>Article 90(2), point (k)</i> |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                  |                 |                 |
| 977                             | (k) measures requested in case of non-compliance or risk, mandatory according to Article 21(8) and (9), Article 23(3), points (d) and (e), Article 24(5), Article 25(2) in conjunction with Article 24(5), Article 27(2), point (c) in conjunction with Article 24(5) and Article 27(2), points (d), (e) and (g) | (k) measures requested in case of non-compliance or risk, mandatory according to Article 21(8) and (9), Article 23(3), points (d) and (e), Article 24(5), Article 25(2) in conjunction with Article 24(5), Article 27(2), point (c) in conjunction with Article 24(5) and Article 27(2), points (d), (e) and (g) | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                                                              | EP Mandate                                                                                                                                       | Council Mandate | Draft Agreement |
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|                                 | are not taken;                                                                                                                                   | are not taken;                                                                                                                                   |                 |                 |
| <i>Article 90(2), point (l)</i> |                                                                                                                                                  |                                                                                                                                                  |                 |                 |
| 978                             | (l) the product and documentation verification obligations incumbent on economic operators according to Articles 23 to 27 are not fulfilled; and | (l) the product and documentation verification obligations incumbent on economic operators according to Articles 23 to 27 are not fulfilled; and | <i>deleted</i>  |                 |
| <i>Article 90(2), point (m)</i> |                                                                                                                                                  |                                                                                                                                                  |                 |                 |
| 979                             | (m) 3D-printing services are provided under infringement of Article 28.                                                                          | <i>deleted</i>                                                                                                                                   | <i>deleted</i>  |                 |
| <i>Article 90(3)</i>            |                                                                                                                                                  |                                                                                                                                                  |                 |                 |
| 980                             |                                                                                                                                                  |                                                                                                                                                  |                 |                 |



|                                 | Commission Proposal                                                                                                             | EP Mandate                                                                                                                      | Council Mandate | Draft Agreement |
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|                                 | 3. Member States shall also lay down rules on penalties for the following non-compliances of TABs and notified bodies:          | 3. Member States shall also lay down rules on penalties for the following non-compliances of TABs and notified bodies:          | <i>deleted</i>  |                 |
| <i>Article 90(3), point (a)</i> |                                                                                                                                 |                                                                                                                                 |                 |                 |
| 981                             | (a) issuing of certificates, test reports, or European technical assessments whilst the conditions therefore are not fulfilled; | (a) issuing of certificates, test reports, or European technical assessments whilst the conditions therefore are not fulfilled; | <i>deleted</i>  |                 |
| <i>Article 90(3), point (b)</i> |                                                                                                                                 |                                                                                                                                 |                 |                 |
| 982                             | (b) non-withdrawal of certificates, test reports, or European technical assessments where the withdrawal is mandatory;          | (b) non-withdrawal of certificates, test reports, or European technical assessments where the withdrawal is mandatory;          | <i>deleted</i>  |                 |
| <i>Article 90(3), point (c)</i> |                                                                                                                                 |                                                                                                                                 |                 |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                               | EP Mandate                                                                                                              | Council Mandate | Draft Agreement |
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| 983                             | (c) information to be provided to notified bodies, TABs or authorities is not provided, incomplete or is incorrect; and                                                                                                                           | (c) information to be provided to notified bodies, TABs or authorities is not provided, incomplete or is incorrect; and | <i>deleted</i>  |                 |
| <i>Article 90(3), point (d)</i> |                                                                                                                                                                                                                                                   |                                                                                                                         |                 |                 |
| 984                             | (d) instructions of authorities are not followed.                                                                                                                                                                                                 | (d) instructions of authorities are not followed.                                                                       | <i>deleted</i>  |                 |
| <i>Article 90(4)</i>            |                                                                                                                                                                                                                                                   |                                                                                                                         |                 |                 |
| 985                             | 4. The Commission is empowered to supplement this Regulation by delegated act adopted in accordance with Article 87 in order to establish proportionate minimum penalties, targeting all economic operators, TABs and notified bodies directly or | <i>deleted</i>                                                                                                          | <i>deleted</i>  |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                             | indirectly involved in the infringement of obligations of this Regulation.                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| <i>Article 91</i>           |                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 986                         | Article 91<br>Evaluation                                                                                                                                                                                                                                                                                                                                           | Article 91<br>Evaluation                                                                                                                                                                                                                                                                                                                                                                           | Article 91<br>Evaluation                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 91, first paragraph |                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 987                         | No sooner than 8 years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The Commission shall present a report | No sooner than <del>8</del> <sup>5</sup> years after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. <u>The evaluation shall inter alia assess</u> | No <del>sooner</del> <sup>later</sup> than 8 years after the date of application of this Regulation <u>and at least every eight years thereafter</u> , the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products and construction works and built environment. The |                 |

|                              | Commission Proposal                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                              | on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report. | <u><i>the correlation of the revised Construction Products Regulation with Regulation (EU) ... (Ecodesign for Sustainable Products Regulation)</i></u> . The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report. | Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report. <u><i>The reports shall also evaluate the effect of the application of this Regulation on the state of the market for different categories of used products.</i></u> |                 |
| Article 91, second paragraph |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 988                          | Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.                                                                                                                 | Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.                                                                                                                                                                                                                                                                                                                | Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.                                                                                                                                                                                                                                                                                                                        |                 |
| Article 92                   |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                               | Commission Proposal                                                   | EP Mandate                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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| 989                           | Article 92<br>Repeal                                                  | Article 92<br>Repeal                                                                                                                                                                                                                                                                                  | Article 92<br>Repeal                                                                                                                                                                                                                                                                                                                                                         |                 |
| Article 92, first paragraph   |                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 990                           | Regulation (EU) 305/2011 is repealed with effect from 1 January 2045. | Regulation (EU) 305/2011 is repealed with effect from <del>1 January 2045</del> <u>[the date of entry into force of this Regulation], with the exception of Articles 2 to 9, 11, 27 and 28, which are repealed with effect from [10 years after the date of entry into force of this Regulation].</u> | <u>1.</u> Regulation (EU) 305/2011 is repealed with effect from <u>[date of application] with the exception of Article 2, Articles 4 to 9, Articles 11 to 18, Articles 27 and 28, Articles 36 to 40, Articles 47 to 49, Articles 52 and 53, Article 55 and Articles 60 to 64 as well as annexes III and V which are repealed with effect from</u> <sup>1</sup> January 2045. |                 |
| Article 92, first paragraph a |                                                                       |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 990a                          |                                                                       | <u>The Articles listed in the first</u>                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                              |                 |

|                              | Commission Proposal                                                                                                                               | EP Mandate                                                                                                                                                                             | Council Mandate                                                                                                                                                                                          | Draft Agreement |
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|                              |                                                                                                                                                   | <u>subparagraph shall only be applicable to European assessment documents and harmonised standards cited in accordance with Regulation (EU) 305/2011 and not withdrawn afterwards.</u> |                                                                                                                                                                                                          |                 |
| Article 92, second paragraph |                                                                                                                                                   |                                                                                                                                                                                        |                                                                                                                                                                                                          |                 |
| 991                          | References to Regulation (EU) 305/2011 shall be construed as references to this Regulation in accordance with the correlation table in Annex VII. | References to Regulation (EU) 305/2011 shall be construed as references to this Regulation in accordance with the correlation table in Annex VII.                                      | <u>2.</u> References to <u>the repealed</u> Regulation (EU) 305/2011 shall be construed as references to this Regulation <u>and shall be read</u> in accordance with the correlation table in Annex VII. |                 |
| Article 93                   |                                                                                                                                                   |                                                                                                                                                                                        |                                                                                                                                                                                                          |                 |
| 992                          | Article 93<br><br>Derogations and transitional provisions                                                                                         | Article 93<br><br>Derogations and transitional provisions                                                                                                                              | Article 93<br><br>Derogations and transitional provisions                                                                                                                                                |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| Article 93(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 993           | 1. Product contact points for construction designated under Regulation (EU) 305/2011 shall be deemed to be designated under this Regulation as well.                                                                                                                                                                                                                                                                                      | 1. Product contact points for construction designated under Regulation (EU) 305/2011 shall be deemed to be designated under this Regulation as well.                                                                                                                                                                                                                                                                                      | 1. Product contact points for construction designated under Regulation (EU) 305/2011 shall be deemed to be designated under this Regulation as well.                                                                                                                                                                                                                                                                                                                         |                 |
| Article 93(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 994           | 2. TABs and notified bodies designated under Regulation (EU) 305/2011 shall be deemed to be designated under this Regulation as well. However, they shall be assessed and designated anew by the designating Member States in accordance with their periodic re-assessment cycle and at the latest [5 years after entry into force]. The objection procedure set-out in Article 56(5), also applicable to TABs in accordance with Article | 2. TABs and notified bodies designated under Regulation (EU) 305/2011 shall be deemed to be designated under this Regulation as well. However, they shall be assessed and designated anew by the designating Member States in accordance with their periodic re-assessment cycle and at the latest [5 years after entry into force]. The objection procedure set-out in Article 56(5), also applicable to TABs in accordance with Article | 2. TABs and notified bodies <u>that are</u> designated <u>and notified</u> under Regulation (EU) 305/2011 shall be deemed to be designated <u>and notified</u> under this Regulation as well. However, they shall be assessed and designated anew by the designating Member States in accordance with their periodic re-assessment cycle and at the latest [5 years after entry into force]. The objection procedure set-out in Article 56(5), <del>also applicable to</del> |                 |

|                          | Commission Proposal                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                          | Draft Agreement |
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|                          | 43(2), shall apply.                                                                                                                | 43(2), shall apply.                                                                                                                                                                                                                                                                                                    | <del>TABs in accordance with Article 43(2),</del> <u>of this Regulation</u> shall apply. |                 |
| Article 93(3)            |                                                                                                                                    |                                                                                                                                                                                                                                                                                                                        |                                                                                          |                 |
| 995                      | 3. The following standards remain valid under this Regulation, as standards referred to in the first subparagraph of Article 4(2): | 3. <del>The following standards remain valid under</del> <u>All standards that are in force on [date of application of this Regulation,</u> <del>as standards referred to in the first subparagraph of Article 4(2):</del> <u>shall remain valid until they are withdrawn by the Commission or otherwise repealed.</u> | deleted                                                                                  |                 |
| Article 93(3), point (c) |                                                                                                                                    |                                                                                                                                                                                                                                                                                                                        |                                                                                          |                 |
| 996                      | (c) [to be inserted during the negotiations of the legislators].                                                                   | deleted                                                                                                                                                                                                                                                                                                                | deleted                                                                                  |                 |



|               | Commission Proposal                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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| Article 93(4) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 997           | 4. European assessment documents issued before [1 year after entry into force] remain valid until [3 years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years. | 4. European assessment documents issued before [ <del>1 year</del> <del>after</del> entry into force] remain valid until [ <del>3</del> 5 years after entry into force], unless they have expired for other reasons. Products placed on the market on the basis of these may be further made available on the market for another five years. | 4. European assessment documents, <u>the references of which are included in the list published in accordance with Article 22 of Regulation (EU) 305/2011 by [ date of issued before ]</u> <del>1 year after</del> entry into force], <u>shall</u> remain valid until [ <del>3</del> 5 years after entry into force], unless they have expired for other reasons. Products <u>shall not be</u> placed on the market on the basis of <del>these may be further made available on the market for another five</del> <u>European technical assessments issued in accordance with these European assessment documents after [10 years after entry into force]</u> . |                 |
| Article 93(5) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 998           | 5. Notified bodies' certificates or                                                                                                                                                                                                                                                                     | 5. Notified bodies' certificates <del>or</del>                                                                                                                                                                                                                                                                                               | 5. Notified bodies' certificates or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |

|                | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                | test reports and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years. | <del>test reports</del> and European technical assessments issued under Regulation (EU) 305/2011 remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these documents may be further made available on the market for another five years. | test reports <del>and European technical assessments</del> issued under Regulation (EU) 305/2011 <del>remain valid for five years after the entry into force of harmonised technical specifications for the respective product family or category adopted in accordance with Article 4(2), unless these documents have expired for other reasons. Products placed on the market on the basis of these</del> <u>shall, unless they have expired for other reasons, remain valid. Certificates and test reports issued under Regulation (EU) 305/2011 may be used to demonstrate a product's compliance with this Regulation in cases where the product type is corresponding and the requirements and assessment methods are identical. The sharing of such</u> documents <del>may be further made available on the market for another five years</del> <u>shall be possible under the conditions set out in Article 67</u> . |                 |
| Article 93(5a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

|      | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| 998a |                     |            | <p><u>5a. Articles 2, Articles 4 to 9, Articles 11 to 18, Articles 27 and 28, Articles 36 to 40, Articles 47 to 49, Articles 52 and 53, Article 55 and Articles 60 to 64 of Regulation (EU) 305/2011 shall only apply to products covered by harmonised standards referenced in the list published in accordance with Article 17(5) of Regulation (EU) 305/2011 which have not been withdrawn or to products covered by European assessment documents referred to in paragraph 4.</u></p> <p><u>For the purposes of Articles 4(2c), 4a(1), and 7a(1), harmonised standards referenced in the list published in accordance with Article 17(5) of Regulation (EU) 305/2011 which have not been withdrawn shall be treated as construction product performance standards.</u></p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| Article 93(6) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 999           | <p>6. The requirements set out in Chapters I, II and III applicable to economic operators with regard to a certain product group or product family shall apply as from one year after the entry into force of the harmonised technical specification covering that product group or family. However, economic operators may apply those harmonised technical specifications as from their entry into force by undergoing the procedure leading to a declaration of performance or of conformity.</p> | <p>6. The requirements set out in Chapters I, II and III applicable to economic operators with regard to a certain product group or product family shall apply as from one year after the entry into force of the harmonised technical specification covering that product group or family. However, economic operators may apply those harmonised technical specifications as from their entry into force by undergoing the procedure leading to a declaration of performance or of conformity.</p> | <p>6. The requirements <del>set out in Chapters I, II and III applicable to</del> <u>and obligations of</u> economic operators <u>shall only be applicable with regard to</u> a certain product <del>group or product family shall apply as</del> <u>family or a category of products within such a family</u> from one year after the <u>publication of a reference to a construction product performance standard in the Official Journal in accordance with Article 4(2d) or the</u> entry into force of <del>the harmonised technical specification an implementing act in accordance with Article 4a(1)</del> covering that product <u>family or category, unless a later application date has been specified as part of the publication of the reference in the Official Journal or set out in the implementing act</u> <del>group or family</del>. However, economic operators may <u>choose to</u> apply those harmonised technical specifications as from their entry into force by undergoing the procedure leading</p> |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|               |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                             | to a declaration of performance <del>of</del><br><del>of</del> <u>and</u> conformity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 93(7) |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1000          | 7. Within two years following the entry into force of a harmonised technical specification covering a certain product group or family, the Commission shall withdraw from the Official Journal references of harmonised standards and EADs covering the respective product group or family. | 7. Within two years following the entry into force of a harmonised technical specification covering a certain product group or family, the Commission shall withdraw from the Official Journal references of harmonised standards and EADs covering the respective product group or family. | 7. Within <del>two years</del> <u>one year</u> following the <del>entry into force of a harmonised technical specification covering</del> <u>date of application of requirements and obligations in relation to</u> a certain product <u>family or category as set out in paragraph 6</u> <del>group or family</del> , the Commission shall withdraw from the Official Journal references of harmonised standards and <del>EADs</del> <u>European assessment documents published there in accordance with Articles 17(5) and 22 of Regulation (EU) 305/2011 when they are</u> covering the <u>same</u> respective product <u>family or category</u> .<br><br><u>Four years after the withdrawal of a European assessment document</u> |                 |

|             | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                     | Draft Agreement |
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|             |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>referred to in the first subparagraph, products may no longer be placed on the market on the basis of European technical assessments issued under that document</u> <del>group or family</del> . |                 |
| Article 93a |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                     |                 |
| 1000a       |                     | <p><u>Article 93a</u></p> <p><u>Working plan for transition and standardisation priorities</u></p> <p><u>1. The Commission shall, not later than [6 months after entry into force], establish a working plan covering at least the following three-year period.</u></p> <p><u>The Commission shall be supported by an expert group composed of experts designated by the Member States and representatives of European standardisation organisations and of relevant European stakeholder organisations receiving Union</u></p> |                                                                                                                                                                                                     |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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|  |                     | <p><u>financing under Regulation (EU) No 1025/2012 ('the CPR Acquis Expert Group').</u></p> <p><u>The working plan referred to in the first subparagraph shall be publicly available. The Commission shall renew and update the working plan for the following three-year period one year before its expiration as long as this Regulation remains applicable.</u></p> <p><u>If the Commission considers that it cannot achieve the goals set out in the working plan, it shall amend it accordingly without undue delay.</u></p> <p><u>2. The working plan shall contain a list of product families or categories which are considered as priorities for the development of harmonised technical specifications and the issuing of standardisation requests in accordance with Article 4(2), Article 4a and Article 5 of this Regulation. This list shall be updated yearly after consultation with the CPR Acquis</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|  |                     | <p><u>expert group.</u></p> <p><u>3. In establishing the priorities under paragraph 2 of this Article, the Commission shall pay particular attention to the replacement of harmonised technical specifications adopted under Regulation (EU) 305/2011, the regulatory needs of Member States, safety issues related to construction works and products and EU climate and circular economy goals. The Commission shall use a transparent and balanced methodology published together with the working plan.</u></p> <p><u>4. Following the establishment of the working plan, Member States shall communicate to the Commission the essential characteristics they require for the relevant construction product family or category, including the assessment methods they apply and any threshold levels or performance classes that they deem necessary, as well as other product requirements.</u></p> <p><u>When Member States communicate their regulatory</u></p> |                 |                 |



|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|  |                     | <p><u>needs to the Commission pursuant to the first subparagraph, the Commission shall integrate them in the standardisation request within 12 months. The Commission shall provide a statement of reasons where it refuses to integrate those regulatory needs.</u></p> <p><u>5. The Commission shall, once a year, report to the Member States and the European Parliament about progress in implementing the working plan, including the standardization requests issued and, where appropriate, delays in implementation and its reasons. That report shall include information about the number of standards proposed by the European standardisation organisations, the average time needed for the assessment of standards by the Commission, and the ratio between standards accepted and rejected by the Commission.</u></p> |                 |                 |

|                              | Commission Proposal                                                                                                                  | EP Mandate                                                                                                                           | Council Mandate                                                                                                                                                                                            | Draft Agreement |
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| Article 94                   |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                            |                 |
| 1001                         | Article 94<br>Entry into force                                                                                                       | Article 94<br>Entry into force                                                                                                       | Article 94<br>Entry into force                                                                                                                                                                             |                 |
| Article 94, first paragraph  |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                            |                 |
| 1002                         | This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Union. | This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Union. | This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.                                                                       |                 |
| Article 94, second paragraph |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                            |                 |
| 1003                         | It shall apply as from [1 month after entry into force].                                                                             | It shall apply as from [1 month after entry into force].                                                                             | It shall apply as from [ <del>1 month</del> <u>24 months</u> after <u>entry into force</u> ], <u>with the exception of Articles 2, 3, 3a and 4(2a) and (2b) and Annex I-A which shall apply from [date</u> |                 |

|                             | Commission Proposal                                                                            | EP Mandate                                                                                     | Council Mandate                                                                                | Draft Agreement |
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|                             |                                                                                                |                                                                                                | <a href="#">of</a> entry into force].                                                          |                 |
| Article 94, third paragraph |                                                                                                |                                                                                                |                                                                                                |                 |
| 1004                        | This Regulation shall be binding in its entirety and directly applicable in all Member States. | This Regulation shall be binding in its entirety and directly applicable in all Member States. | This Regulation shall be binding in its entirety and directly applicable in all Member States. |                 |
| Formula                     |                                                                                                |                                                                                                |                                                                                                |                 |
| 1005                        | Done at Brussels,                                                                              | Done at Brussels,                                                                              | Done at Brussels,                                                                              |                 |
| Formula                     |                                                                                                |                                                                                                |                                                                                                |                 |
| 1006                        | For the European Parliament                                                                    | For the European Parliament                                                                    | For the European Parliament                                                                    |                 |

|         | Commission Proposal  | EP Mandate                      | Council Mandate                                                                  | Draft Agreement |
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| Formula |                      |                                 |                                                                                  |                 |
| 1007    | The President        | The President                   | The President                                                                    |                 |
| Formula |                      |                                 |                                                                                  |                 |
| 1008    | For the Council      | For the Council                 | For the Council                                                                  |                 |
| Formula |                      |                                 |                                                                                  |                 |
| 1009    | The President        | The President                   | The President                                                                    |                 |
| Annex I |                      |                                 |                                                                                  |                 |
| 1010    | Annex I Requirements | Annex I Requirements <u>for</u> | Annex <del>H-A</del> <u>Basic</u> requirements <u>for construction works and</u> |                 |

|                                        | Commission Proposal                                                                                  | EP Mandate                                                                                                      | Council Mandate                                                                                                 | Draft Agreement |
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|                                        |                                                                                                      | <u>construction works and products</u>                                                                          | <u>predetermined environmental characteristics</u>                                                              |                 |
| Annex I, Part I                        |                                                                                                      |                                                                                                                 |                                                                                                                 |                 |
| 1011                                   | Part I PART A: Basic requirements for construction works and essential characteristics to be covered | Part I PART A: Basic requirements for construction works <del>and essential characteristics to be covered</del> | <del>Part I PART A: Basic requirements for construction works and essential characteristics to be covered</del> |                 |
| Annex I, point 1., first subparagraph  |                                                                                                      |                                                                                                                 |                                                                                                                 |                 |
| 1012                                   | 1. Basic requirements for construction works                                                         | <i>deleted</i>                                                                                                  | 1. Basic requirements for construction works                                                                    |                 |
| Annex I, point 1., second subparagraph |                                                                                                      |                                                                                                                 |                                                                                                                 |                 |
| 1013                                   |                                                                                                      |                                                                                                                 |                                                                                                                 |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                                        | The following list of basic requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of standardization requests and harmonized technical specifications. | The following list of basic requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of standardization requests and harmonized technical specifications. | The following list of basic requirements for construction works shall be taken as the basis for the identification of essential characteristics of products and for the preparation of <del>standardization</del> <u>standardisation</u> requests, <u>harmonised technical specifications and European assessment documents</u> <del>and harmonized technical specifications</del> . |                 |
| Annex I, point 1., third subparagraph  |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 1014                                   | These basic requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.                                                                                                                        | These basic requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.                                                                                                                        | These basic requirements for construction works do not constitute obligations incumbent upon economic operators or Member States.                                                                                                                                                                                                                                                    |                 |
| Annex I, point 1., fourth subparagraph |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 1015                                   |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                      |                 |

|                           | Commission Proposal                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                           | The intended life span related to basic requirements for construction works shall take into account the likely impacts of the changing climate.                                                                                                                                                                               | The intended life span related to basic requirements for construction works shall take into account the likely impacts of the changing climate.                                                                                                                                                                                                        | The intended life span related to basic requirements for construction works shall take into account the likely impacts of the changing climate.                                                                                                                                                                                                       |                 |
| Annex I, second paragraph |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1016                      | Structural integrity of construction works                                                                                                                                                                                                                                                                                    | Structural integrity of construction works                                                                                                                                                                                                                                                                                                             | <u>1.1</u> Structural integrity of construction works                                                                                                                                                                                                                                                                                                 |                 |
| Annex I, third paragraph  |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1017                      | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or | The construction works and <del>any</del> <u>part</u> <del>the relevant parts</del> of them shall be designed, constructed, used, maintained and demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the | The construction works and any part of them shall be designed, constructed, used, maintained and <u>deconstructed or</u> demolished in such a way that all relevant loads and any combinations of them are sustained and transmitted into the ground safely and without causing deflections or deformations of any part of the construction works, or |                 |

|                                      | Commission Proposal                                                                                                                                                                          | EP Mandate                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                      | Draft Agreement |
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|                                      | movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.                                                          | construction works, or movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.                                   | movement of the ground as to impair the durability, structural resistance, serviceability and robustness of the construction works.                                                                                  |                 |
| Annex I, fourth paragraph            |                                                                                                                                                                                              |                                                                                                                                                                                              |                                                                                                                                                                                                                      |                 |
| 1018                                 | The structure and structural elements of construction works shall be designed, manufactured, constructed, maintained and demolished in such a way that they meet the following requirements: | The structure and structural elements of construction works shall be designed, manufactured, constructed, maintained and demolished in such a way that they meet the following requirements: | The structure and structural elements of construction works shall be designed, manufactured, constructed, maintained and <u>deconstructed or</u> demolished in such a way that they meet the following requirements: |                 |
| Annex I, fourth paragraph, point (a) |                                                                                                                                                                                              |                                                                                                                                                                                              |                                                                                                                                                                                                                      |                 |
| 1019                                 | (a) be durable for their intended life span (durability requirement);                                                                                                                        | (a) be durable for their intended life span (durability requirement);                                                                                                                        | (a) be durable for their intended life span (durability requirement);                                                                                                                                                |                 |



|                                          | Commission Proposal                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                           | Draft Agreement |
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| Annex I, fourth paragraph, point (b)     |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                 |
| 1020                                     | (b) be able to sustain all actions and influences likely to occur during construction, use and demolition with an appropriate degree of reliability and in a cost-effective way (structural resistance requirement). They shall not: | (b) be able to sustain all actions and influences likely to occur during construction, use and demolition with an appropriate degree of reliability and in a cost-effective way (structural resistance requirement). They shall not: | (b) be able to sustain all actions and influences likely to occur during construction, use and <u>deconstruction or</u> demolition with an appropriate degree of reliability and in <del>an</del> cost-effective way (structural resistance requirement). They shall not: |                 |
| Annex I, fourth paragraph, point (b)(i)  |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                 |
| 1021                                     | (i) collapse,                                                                                                                                                                                                                        | (i) collapse,                                                                                                                                                                                                                        | (i) collapse,                                                                                                                                                                                                                                                             |                 |
| Annex I, fourth paragraph, point (b)(ii) |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                           |                 |
| 1022                                     | (ii) deform to an inadmissible degree,                                                                                                                                                                                               | (ii) deform to an inadmissible degree,                                                                                                                                                                                               | (ii) deform to an inadmissible degree,                                                                                                                                                                                                                                    |                 |

|                                           | Commission Proposal                                                                                                                                                               | EP Mandate                                                                                                                                                                        | Council Mandate                                                                                                                                                                   | Draft Agreement |
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| Annex I, fourth paragraph, point (b)(iii) |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                   |                 |
| 1023                                      | (iii) damage other parts of the construction works, fittings or installed equipment as a result of major deformation of the load-bearing construction;                            | (iii) damage other parts of the construction works, fittings or installed equipment as a result of major deformation of the load-bearing construction;                            | (iii) damage other parts of the construction works, fittings or installed equipment as a result of major deformation of the load-bearing construction;                            |                 |
| Annex I, fourth paragraph, point (c)      |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                   |                 |
| 1024                                      | (c) remain within their specified service requirements during the intended life span with appropriate degrees of reliability and in an economic way (serviceability requirement); | (c) remain within their specified service requirements during the intended life span with appropriate degrees of reliability and in an economic way (serviceability requirement); | (c) remain within their specified service requirements during the intended life span with appropriate degrees of reliability and in an economic way (serviceability requirement); |                 |
| Annex I, fourth paragraph, point (d)      |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                   |                 |

|                            | Commission Proposal                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                            | Draft Agreement |
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| 1025                       | (d) maintain appropriately their integrity in adverse events, including earthquake, explosion, fire, impact or consequences of human errors, to an extent disproportionate to the original cause (robustness requirement). | (d) maintain appropriately their integrity in adverse events, including earthquake, explosion, fire, impact or consequences of human errors, to an extent disproportionate to the original cause (robustness requirement).      | (d) maintain appropriately their integrity in adverse events, including earthquake, explosion, fire, impact or consequences of human errors, to an extent disproportionate to the original cause (robustness requirement). |                 |
| Annex I, sixth paragraph   |                                                                                                                                                                                                                            |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                            |                 |
| 1026                       | Fire safety of construction works                                                                                                                                                                                          | Fire safety of construction works                                                                                                                                                                                               | <u>1.2</u> Fire safety of construction works                                                                                                                                                                               |                 |
| Annex I, seventh paragraph |                                                                                                                                                                                                                            |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                            |                 |
| 1027                       | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case of a fire, the fire                    | The construction works and <del>any</del> <u>part</u> <u>the relevant parts</u> of them shall be designed, constructed, used, maintained and demolished in such a way that an event of fire is appropriately prevented. In case | The construction works and any part of them shall be designed, constructed, used, maintained and <u>deconstructed or</u> demolished in such a way that an event of fire is appropriately prevented. <del>In case of</del>  |                 |

|                                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                      | shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants. | of a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay. The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants. | <del>a fire, the fire shall be detected and an alarm or alert shall be triggered without a delay.</del> <u>including through adequate usage of detectors and alarms.</u> - The fire and smoke shall be contained and controlled, and the occupants of the construction works shall be protected against fire and smoke. There shall be appropriate arrangements to ensure safe escape and evacuation of the construction works for all its occupants. |                 |
| Annex I, eighth paragraph            |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1028                                 | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they meet the following requirements in the case of a fire:                                                                                                                                                                         | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they meet the following requirements in the case of a fire:                                                                                                                                                                                             | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they meet the following requirements in the case of a fire:                                                                                                                                                                                                                                                                        |                 |
| Annex I, eighth paragraph, point (a) |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |

|                                      | Commission Proposal                                                                                                | EP Mandate                                                                                                         | Council Mandate                                                                                                                                          | Draft Agreement |
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| 1029                                 | (a) the load-bearing capacity of the construction works is maintained for a specific period of time;               | (a) the load-bearing capacity of the construction works is maintained for a specific period of time;               | (a) the load-bearing capacity of the construction works is maintained for a specific period of time <u>to give occupants time to leave the building;</u> |                 |
| Annex I, eighth paragraph, point (b) |                                                                                                                    |                                                                                                                    |                                                                                                                                                          |                 |
| 1030                                 | (b) the rescue and emergency services' access is ensured and there are appropriate means to facilitate their work; | (b) the rescue and emergency services' access is ensured and there are appropriate means to facilitate their work; | (b) the rescue and emergency services' access is ensured and there are appropriate means to facilitate their work;                                       |                 |
| Annex I, eighth paragraph, point (c) |                                                                                                                    |                                                                                                                    |                                                                                                                                                          |                 |
| 1031                                 | (c) the generation and spread of fire and smoke is controlled and limited;                                         | (c) the generation and spread of fire and smoke is controlled and limited;                                         | (c) the generation and spread of fire and smoke is controlled and limited;                                                                               |                 |

|                                      | Commission Proposal                                                                                                | EP Mandate                                                                                                         | Council Mandate                                                                                                                          | Draft Agreement |
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| Annex I, eighth paragraph, point (d) |                                                                                                                    |                                                                                                                    |                                                                                                                                          |                 |
| 1032                                 | (d) the spread of the fire and smoke to the adjacent construction works is limited;                                | (d) the spread of the fire and smoke to the adjacent construction works is limited;                                | (d) the spread of the fire and smoke to the adjacent construction works is limited;                                                      |                 |
| Annex I, eighth paragraph, point (e) |                                                                                                                    |                                                                                                                    |                                                                                                                                          |                 |
| 1033                                 | (e) the safety of rescue and emergency services is taken into consideration.                                       | (e) the safety of rescue and emergency services is taken into consideration.                                       | (e) the safety of rescue and emergency services is taken into consideration.                                                             |                 |
| Annex I, tenth paragraph             |                                                                                                                    |                                                                                                                    |                                                                                                                                          |                 |
| 1034                                 | Workers, consumer and occupant protection against adverse hygiene and health impacts related to construction works | Workers, consumer and occupant protection against adverse hygiene and health impacts related to construction works | <u>1.3</u> <del>Workers, consumer and occupant</del> Protection against adverse hygiene and health impacts related to construction works |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| Annex I, eleventh paragraph            |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1035                                   | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not present acute or chronic threat to the health and safety of workers, occupants or neighbors as a result of any of the following: | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they, throughout their life cycle, do not <del>present acute or chronic threat to the</del> <u>adversely affect the hygiene</u> or health and safety of workers, occupants, <u>or neighbours</u> <del>or neighbors</del> as a result of any of the following: | The construction works and any part of them shall be designed, constructed, used, maintained and <u>deconstructed or</u> demolished in such a way that they, throughout their life cycle, do not present acute or chronic threat to the health and safety of <u>construction</u> workers, occupants, <u>visitors</u> or neighbors as a result of any of the following: |                 |
| Annex I, eleventh paragraph, point (a) |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1036                                   | (a) the emissions of hazardous substances, volatile organic compounds or hazardous particles into indoor air;                                                                                                                                                                                             | (a) the emissions of hazardous substances, volatile organic compounds, <u>odours</u> or hazardous particles into indoor air;                                                                                                                                                                                                                                                                 | (a) the emissions of hazardous substances, volatile organic compounds or hazardous particles into indoor air;                                                                                                                                                                                                                                                          |                 |
| Annex I, eleventh paragraph, point (b) |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                        |                 |

|                                        | Commission Proposal                                                                                                                  | EP Mandate                                                                                                                           | Council Mandate                                                                                                                      | Draft Agreement |
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| 1037                                   | (b) the emission of hazardous radiation into the indoor environment;                                                                 | (b) the emission of hazardous radiation into the indoor environment;                                                                 | (b) the emission of hazardous radiation into the indoor environment;                                                                 |                 |
| Annex I, eleventh paragraph, point (c) |                                                                                                                                      |                                                                                                                                      |                                                                                                                                      |                 |
| 1038                                   | (c) the release of hazardous substances into drinking water or substances which have an otherwise negative impact on drinking water; | (c) the release of hazardous substances into drinking water or substances which have an otherwise negative impact on drinking water; | (c) the release of hazardous substances into drinking water or substances which have an otherwise negative impact on drinking water; |                 |
| Annex I, eleventh paragraph, point (d) |                                                                                                                                      |                                                                                                                                      |                                                                                                                                      |                 |
| 1039                                   | (d) the passage of moisture to the interior of the building;                                                                         | (d) the passage of moisture to the interior of the building;                                                                         | (d) the passage of moisture to the interior of the building;                                                                         |                 |
| Annex I, eleventh paragraph, point (e) |                                                                                                                                      |                                                                                                                                      |                                                                                                                                      |                 |



|                                         | Commission Proposal                                                                                                                | EP Mandate                                                                                                                         | Council Mandate                                                                                                                    | Draft Agreement |
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| 1040                                    | (e) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the indoor environment. | (e) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the indoor environment. | (e) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the indoor environment. |                 |
| Annex I, eleventh paragraph, point (ea) |                                                                                                                                    |                                                                                                                                    |                                                                                                                                    |                 |
| 1040a                                   |                                                                                                                                    | <u>(ea) the release of microplastics;</u>                                                                                          |                                                                                                                                    |                 |
| Annex I, eleventh paragraph, point (eb) |                                                                                                                                    |                                                                                                                                    |                                                                                                                                    |                 |
| 1040b                                   |                                                                                                                                    | <u>(eb) as far as possible, the release of substances of concern into indoor air or water;</u>                                     |                                                                                                                                    |                 |
| Annex I, thirteenth paragraph           |                                                                                                                                    |                                                                                                                                    |                                                                                                                                    |                 |

|                               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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| 1041                          | Workers, consumers and occupants protection against physical injuries of construction works                                                                                                                                                                                                                                                                                                                                           | Workers, consumers and occupants protection against physical injuries of construction works                                                                                                                                                                                                                                                                                                                                           | <u>1.4</u> <del>Workers, consumers and occupants protection against physical injuries</del> <u>Safety and accessibility</u> of construction works                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Annex I, fourteenth paragraph |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 1042                          | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they do not present unacceptable risks of accidents or damage in service or in operation, including slipping, falling, collision, burns, electrocution and injury from falling or braking parts caused by external factors like extreme weather conditions or explosion. | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they do not present unacceptable risks of accidents or damage in service or in operation, including slipping, falling, collision, burns, electrocution and injury from falling or braking parts caused by external factors like extreme weather conditions or explosion. | The construction works and any part of them shall be designed, constructed, used, maintained and <u>deconstructed or</u> demolished in such a way that, throughout their life cycle, they do not present unacceptable risks of accidents or damage in service or in operation, including slipping, falling, collision, burns, electrocution and injury from falling or braking parts caused by external factors like extreme weather conditions, <u>burglaries or explosions.</u><br><br><u>In particular, construction works</u> |                 |

|                                | Commission Proposal                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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|                                |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               | <u>shall be designed and built taking into consideration accessibility and use for disabled persons and persons with limited mobility or orientation</u> <del>or explosion.</del>                                                                                                                                                                                                                                                                                              |                 |
| Annex I, sixteenth paragraph   |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1043                           | Resistance to the passage of sound and acoustic properties of construction works                                                                                                                                                                                                                              | Resistance to the passage of sound and acoustic properties of construction works                                                                                                                                                                                                                              | <u>1.5</u> Resistance to the passage of sound and acoustic properties of construction works                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Annex I, seventeenth paragraph |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1044                           | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they provide, throughout their life cycle, reasonable protection against adverse sound load through air or materials from other parts of the same construction work or sources | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they provide, throughout their life cycle, reasonable protection against adverse sound load through air or materials from other parts of the same construction work or sources | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that they provide, throughout their life cycle, reasonable protection against adverse sound load through air or materials from other parts of the <u>deconstructed or</u> demolished in such a way that they provide, throughout their life cycle, reasonable protection against adverse sound load through air or materials from other parts of the |                 |

|                                           | Commission Proposal                                                                                                     | EP Mandate                                                                                                              | Council Mandate                                                                                                         | Draft Agreement |
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|                                           | outside its structure. That protection shall ensure that it:                                                            | outside its structure. That protection shall ensure that it:                                                            | same construction work or sources outside its structure. That protection shall ensure that it:                          |                 |
| Annex I, seventeenth paragraph, point (a) |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1045                                      | (a) does not create immediate or chronic risks for the human health;                                                    | (a) does not create immediate or chronic risks for the human health;                                                    | (a) does not create immediate or chronic risks for the human health;                                                    |                 |
| Annex I, seventeenth paragraph, point (b) |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1046                                      | (b) allows occupants and people nearby to sleep, rest and engage in their normal activities in satisfactory conditions. | (b) allows occupants and people nearby to sleep, rest and engage in their normal activities in satisfactory conditions. | (b) allows occupants and people nearby to sleep, rest and engage in their normal activities in satisfactory conditions. |                 |
| Annex I, eighteenth paragraph             |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1047                                      |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                 | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required.                   | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required.                   | The construction works and any part of them shall be designed, constructed, used and maintained in such a way that they provide sufficient sound absorption and reflection where these acoustic properties are required.                                                                                  |                 |
| Annex I, twentieth paragraph    |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                           |                 |
| 1048                            | Energy efficiency and thermal performance of construction works                                                                                                                                                                            | Energy efficiency and thermal performance of construction works                                                                                                                                                                            | <u>1.6</u> Energy efficiency and thermal performance of construction works                                                                                                                                                                                                                                |                 |
| Annex I, twenty-first paragraph |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                           |                 |
| 1049                            | The construction works and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, throughout their life cycle, the amount of energy they require in use shall be low, | The construction works and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, throughout their life cycle, the amount of energy they require in use shall be low, | The construction works, <u>including automated processes within them</u> , and their heating, cooling, lighting and ventilation installations shall be designed, built, and maintained in such a way that, <del>throughout their life cycle</del> , the amount of energy they require <u>during their</u> |                 |

|                                            | Commission Proposal                                                                        | EP Mandate                                                                                 | Council Mandate                                                                            | Draft Agreement |
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|                                            | when account is taken of:                                                                  | when account is taken of:                                                                  | <u>use phase</u> <del>in use</del> shall be low,<br>when account is taken of:              |                 |
| Annex I, twenty-first paragraph, point (a) |                                                                                            |                                                                                            |                                                                                            |                 |
| 1050                                       | (a) the target for nearly zero energy buildings and zero-emissions buildings in the Union; | (a) the target for nearly zero energy buildings and zero-emissions buildings in the Union; | (a) the target for nearly zero energy buildings and zero-emissions buildings in the Union; |                 |
| Annex I, twenty-first paragraph, point (b) |                                                                                            |                                                                                            |                                                                                            |                 |
| 1051                                       | (b) the outdoor climatic conditions;                                                       | (b) the outdoor climatic conditions;                                                       | (b) the outdoor climatic conditions;                                                       |                 |
| Annex I, twenty-first paragraph, point (c) |                                                                                            |                                                                                            |                                                                                            |                 |
| 1052                                       | (c) the indoor climate conditions.                                                         | (c) the indoor climate conditions.                                                         | (c) the indoor climate conditions.                                                         |                 |

|                                             | Commission Proposal                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                            | Draft Agreement |
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| Annex I, twenty-third paragraph             |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                            |                 |
| 1053                                        | Hazardous emissions into the outdoor environment of construction works                                                                                                                                                                              | <del>Hazardous</del> Emissions into the outdoor environment of construction works                                                                                                                                                                   | <u>1.7</u> Hazardous emissions into the outdoor environment of construction works                                                                                                                                                                                          |                 |
| Annex I, twenty-fourth paragraph            |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                            |                 |
| 1054                                        | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they are not a threat to the outdoor environment, as a result of any of the following: | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they are not a threat to the outdoor environment, as a result of any of the following: | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, they are not a <del>threat</del> <u>risk</u> to the outdoor environment, as a result of any of the following: |                 |
| Annex I, twenty-fourth paragraph, point (a) |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                            |                 |

|                                             | Commission Proposal                                                                                                                 | EP Mandate                                                                                                                                     | Council Mandate                                                                                                                     | Draft Agreement |
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| 1055                                        | (a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;                           | (a) the release of hazardous substances, <u>microplastics</u> , or radiation into <u>air</u> , ground water, marine or surface waters or soil; | (a) the release of hazardous substances or radiation into ground water, marine or surface waters or soil;                           |                 |
| Annex I, twenty-fourth paragraph, point (b) |                                                                                                                                     |                                                                                                                                                |                                                                                                                                     |                 |
| 1056                                        | (b) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the outdoor environment; | (b) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the outdoor environment;            | (b) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste to the outdoor environment; |                 |
| Annex I, twenty-fourth paragraph, point (c) |                                                                                                                                     |                                                                                                                                                |                                                                                                                                     |                 |
| 1057                                        | (c) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building;  | (c) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building;             | (c) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building;  |                 |



|                                             | Commission Proposal                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                         | Draft Agreement |
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| Annex I, twenty-fourth paragraph, point (d) |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                                                                                                                                                                                                         |                 |
| 1058                                        | (d) the release of net greenhouse gas emissions into the atmosphere.                                                                                                                                     | (d) the release of <del>net</del> greenhouse gas emissions into the atmosphere.                                                                                                                          | (d) <del>the release of net</del> greenhouse gas emissions into the atmosphere.                                                                                                                         |                 |
| Annex I, twenty-sixth paragraph             |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                                                                                                                                                                                                         |                 |
| 1059                                        | Sustainable use of natural resources of construction works                                                                                                                                               | Sustainable use of natural resources of construction works                                                                                                                                               | <u>1.8</u> Sustainable use of natural resources of construction works                                                                                                                                   |                 |
| Annex I, twenty-seventh paragraph           |                                                                                                                                                                                                          |                                                                                                                                                                                                          |                                                                                                                                                                                                         |                 |
| 1060                                        | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, the use of natural resources is sustainable | The construction works and any part of them shall be designed, constructed, used, maintained and demolished in such a way that, throughout their life cycle, the use of natural resources is sustainable | The construction works and any part of them shall be designed, constructed, used, maintained and <u>deconstructed or</u> demolished in such a way that, throughout their life cycle, the use of natural |                 |

|                                              | Commission Proposal                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                      | Draft Agreement |
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|                                              | and ensures the following:                                                                                               | and ensures the following:                                                                                                                                                                                                                                                           | resources is sustainable and ensures the following:                                                                                  |                 |
| Annex I, twenty-seventh paragraph, point (a) |                                                                                                                          |                                                                                                                                                                                                                                                                                      |                                                                                                                                      |                 |
| 1061                                         | (a) use of raw and secondary materials of high environmental sustainability and thus with a low environmental footprint; | (a) <u>maximising the resource efficient</u> use of <del>raw</del> <u>by-products</u> and secondary, <u>low-carbon, sustainably sourced bio-based, or local materials as well as raw</u> materials of high environmental sustainability and thus with a low environmental footprint; | (a) use of raw and secondary materials of high environmental sustainability <del>and thus with a low environmental footprint</del> ; |                 |
| Annex I, twenty-seventh paragraph, point (b) |                                                                                                                          |                                                                                                                                                                                                                                                                                      |                                                                                                                                      |                 |
| 1062                                         | (b) minimizing the overall amount of raw materials used;                                                                 | (b) minimizing the overall amount of raw materials used <u>and maximising the use of secondary materials where applicable</u> ;                                                                                                                                                      | (b) minimizing the overall amount of raw materials used;                                                                             |                 |

|                                               | Commission Proposal                                         | EP Mandate                                                     | Council Mandate                                             | Draft Agreement |
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| Annex I, twenty-seventh paragraph, point (c)  |                                                             |                                                                |                                                             |                 |
| 1063                                          | (c) minimizing the overall amount of embodied energy;       | (c) minimizing the overall amount of embodied energy;          | (c) minimizing the overall amount of embodied energy;       |                 |
| Annex I, twenty-seventh paragraph, point (ca) |                                                             |                                                                |                                                             |                 |
| 1063a                                         |                                                             | <u>(ca) minimising the overall volumes of waste generated;</u> |                                                             |                 |
| Annex I, twenty-seventh paragraph, point (d)  |                                                             |                                                                |                                                             |                 |
| 1064                                          | (d) minimizing the overall use of drinking and brown water; | (d) minimizing the overall use of drinking and brown water;    | (d) minimizing the overall use of drinking and brown water; |                 |
| Annex I, twenty-seventh paragraph, point (e)  |                                                             |                                                                |                                                             |                 |

|                                               | Commission Proposal                                                                                       | EP Mandate                                                                                                                | Council Mandate                                                                                                                                                                                 | Draft Agreement |
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| 1065                                          | (e) reuse or recyclability of the construction works, parts of them and their materials after demolition. | (e) reuse or recyclability of the construction works, parts of them and their materials after demolition.                 | (e) <u>maximising the</u> reuse or recyclability of the construction works, <del>parts of them and in part or in whole, and of</del> their materials after <u>deconstruction or</u> demolition. |                 |
| Annex I, twenty-seventh paragraph, point (ea) |                                                                                                           |                                                                                                                           |                                                                                                                                                                                                 |                 |
| 1065a                                         |                                                                                                           | <u>(ea) easy deconstruction, use of sustainably sourced, used and recycled materials.</u>                                 |                                                                                                                                                                                                 |                 |
| Annex I, point 2., first subparagraph         |                                                                                                           |                                                                                                                           |                                                                                                                                                                                                 |                 |
| 1066                                          | 2. Essential characteristics to be covered                                                                | 2. <u>PART B:</u> Essential <u>environmental</u> characteristics <del>to be covered</del> <u>of construction products</u> | 2. <del>Essential</del> <u>Predetermined environmental</u> characteristics <del>to be covered</del>                                                                                             |                 |

|                                                    | Commission Proposal                                                                                                                              | EP Mandate                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                            | Draft Agreement |
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| Annex I, point 2., second subparagraph             |                                                                                                                                                  |                                                                                                                                                             |                                                                                                                                                                                                                                            |                 |
| 1067                                               | Harmonised technical specifications shall to the extent possible cover the following essential characteristics related to life cycle assessment: | Harmonised technical specifications shall <del>to the extent possible</del> cover the following essential characteristics related to life cycle assessment: | Harmonised technical specifications shall to the extent possible cover the following <del>essential</del> <u>list of predetermined environmental</u> characteristics related to <del>the</del> life cycle assessment <u>of a product</u> : |                 |
| Annex I, point 2., second subparagraph, point (a)  |                                                                                                                                                  |                                                                                                                                                             |                                                                                                                                                                                                                                            |                 |
| 1068                                               | (a) climate change effects (mandatory);                                                                                                          | (a) <del>climate change effects</del> <u>Global Warming Potential total</u> (mandatory);                                                                    | (a) climate change effects (mandatory <u>in accordance with Article 11(2)</u> );                                                                                                                                                           |                 |
| Annex I, point 2., second subparagraph, point (aa) |                                                                                                                                                  |                                                                                                                                                             |                                                                                                                                                                                                                                            |                 |
| 1068a                                              |                                                                                                                                                  | <u>(aa) Global Warming Potential fossil fuels (mandatory);</u>                                                                                              |                                                                                                                                                                                                                                            |                 |

|                                                    | Commission Proposal  | EP Mandate                                                                                                      | Council Mandate      | Draft Agreement |
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| Annex I, point 2., second subparagraph, point (ab) |                      |                                                                                                                 |                      |                 |
| 1068b                                              |                      | <u>(ab) Global Warming Potential biogenic (mandatory);</u>                                                      |                      |                 |
| Annex I, point 2., second subparagraph, point (ac) |                      |                                                                                                                 |                      |                 |
| 1068c                                              |                      | <u>(ac) Global Warming Potential land use and land use change (mandatory);</u>                                  |                      |                 |
| Annex I, point 2., second subparagraph, point (b)  |                      |                                                                                                                 |                      |                 |
| 1069                                               | (b) ozone depletion; | (b) <u>depletion potential of the stratospheric</u> ozone <del>depletion</del> <u>layer</u> <u>(mandatory);</u> | (b) ozone depletion; |                 |

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| Annex I, point 2., second subparagraph, point (c) |                                        |                                                                                                                                           |                                        |                 |
| 1070                                              | (c) acidification potential;           | (c) acidification potential,<br><u>Accumulated Exceedance (mandatory)</u> ;                                                               | (c) acidification potential;           |                 |
| Annex I, point 2., second subparagraph, point (d) |                                        |                                                                                                                                           |                                        |                 |
| 1071                                              | (d) eutrophication aquatic freshwater; | (d) eutrophication<br><del>aquatic</del> <u>potential, fraction of nutrients reaching</u> freshwater <u>end compartment (mandatory)</u> ; | (d) eutrophication aquatic freshwater; |                 |
| Annex I, point 2., second subparagraph, point (e) |                                        |                                                                                                                                           |                                        |                 |
| 1072                                              | (e) eutrophication aquatic marine;     | (e) eutrophication<br><del>aquatic</del> <u>potential, fraction of nutrients reaching</u> marine <u>end</u>                               | (e) eutrophication aquatic marine;     |                 |

|                                                   | Commission Proposal                       | EP Mandate                                                                                            | Council Mandate                           | Draft Agreement |
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|                                                   |                                           | <u>compartment (mandatory)</u> ;                                                                      |                                           |                 |
| Annex I, point 2., second subparagraph, point (f) |                                           |                                                                                                       |                                           |                 |
| 1073                                              | (f) eutrophication terrestrial;           | (f) eutrophication<br><del>terrestrial</del> <u>potential, Accumulated Exceedance (mandatory)</u> ;   | (f) eutrophication terrestrial;           |                 |
| Annex I, point 2., second subparagraph, point (g) |                                           |                                                                                                       |                                           |                 |
| 1074                                              | (g) photochemical ozone;                  | (g) <del>photochemical</del> <u>formation potential of tropospheric</u> ozone<br><u>(mandatory)</u> ; | (g) photochemical ozone;                  |                 |
| Annex I, point 2., second subparagraph, point (h) |                                           |                                                                                                       |                                           |                 |
| 1075                                              | (h) abiotic depletion – minerals, metals; | (h) abiotic depletion <del>—minerals, metals</del> <u>potential for non-fossil</u>                    | (h) abiotic depletion – minerals, metals; |                 |



|                                                   | Commission Proposal                   | EP Mandate                                                                                                         | Council Mandate                       | Draft Agreement |
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|                                                   |                                       | <u>resources</u> ;                                                                                                 |                                       |                 |
| Annex I, point 2., second subparagraph, point (i) |                                       |                                                                                                                    |                                       |                 |
| 1076                                              | (i) abiotic depletion – fossil fuels; | (i) abiotic depletion <del>for</del> fossil <del>fuels</del> <u>resources potential (mandatory)</u> ;              | (i) abiotic depletion – fossil fuels; |                 |
| Annex I, point 2., second subparagraph, point (j) |                                       |                                                                                                                    |                                       |                 |
| 1077                                              | (j) water use;                        | (j) water <del>use</del> <u>(user) deprivation potential, deprivation-weighted water consumption (mandatory)</u> ; | (j) water use;                        |                 |
| Annex I, point 2., second subparagraph, point (k) |                                       |                                                                                                                    |                                       |                 |
| 1078                                              | (k) particulate matter;               | (k) particulate matter;                                                                                            | (k) particulate matter;               |                 |

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|                                                   |                                       |                                       |                                       |                 |
| Annex I, point 2., second subparagraph, point (l) |                                       |                                       |                                       |                 |
| 1079                                              | (l) ionizing radiation, human health; | (l) ionizing radiation, human health; | (l) ionizing radiation, human health; |                 |
| Annex I, point 2., second subparagraph, point (m) |                                       |                                       |                                       |                 |
| 1080                                              | (m) eco-toxicity, freshwater;         | (m) eco-toxicity, freshwater;         | (m) eco-toxicity, freshwater;         |                 |
| Annex I, point 2., second subparagraph, point (n) |                                       |                                       |                                       |                 |
| 1081                                              | (n) human toxicity, cancer;           | (n) human toxicity, cancer;           | (n) human toxicity, cancer;           |                 |
| Annex I, point 2., second subparagraph, point (o) |                                       |                                       |                                       |                 |

|                                                   | Commission Proposal                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                 | Draft Agreement |
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| 1082                                              | (o) human toxicity, non-cancer;                                                                                                                                                                                                                           | (o) human toxicity, non-cancer;                                                                                                                                                                                                                                                                                                                                                                                                                                  | (o) human toxicity, non-cancer; |                 |
| Annex I, point 2., second subparagraph, point (p) |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                 |                 |
| 1083                                              | (p) land use related impacts.                                                                                                                                                                                                                             | (p) land use related impacts.                                                                                                                                                                                                                                                                                                                                                                                                                                    | (p) land use related impacts.   |                 |
| Annex I, point 2., third subparagraph             |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                 |                 |
| 1084                                              | Harmonised technical specifications shall indicate that for the essential characteristic of climate change effects under point (a) it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1). | Harmonised technical specifications shall indicate that, for the essential <del>characteristic of climate change effects</del> <u>characteristics in the first subparagraph</u> under <del>point (a)</del> <u>points (a) to (j)</u> , it is mandatory for the manufacturer to declare the performance of the product as set out in Articles 11(2) and 22(1). <u>By... [5 years after the entry into force of this Regulation], it shall be mandatory for the</u> | <i>deleted</i>                  |                 |

|                                        | Commission Proposal                                                                                                                                                             | EP Mandate                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                               | Draft Agreement |
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|                                        |                                                                                                                                                                                 | <u>manufacturer to declare the essential characteristics under points (k) to (p).</u>                                                                                           |                                                                                                                                                                                                                               |                 |
| Annex I, point 2., fourth subparagraph |                                                                                                                                                                                 |                                                                                                                                                                                 |                                                                                                                                                                                                                               |                 |
| 1085                                   | Harmonised technical specifications shall also cover to the extent possible the essential characteristic of capability to temporarily bind carbon and of other carbon removals. | Harmonised technical specifications shall also cover to the extent possible the essential characteristic of capability to temporarily bind carbon and of other carbon removals. | Harmonised technical specifications shall also cover to the extent possible the <u>predetermined environmental</u> <del>essential</del> characteristic of capability to temporarily bind carbon and of other carbon removals. |                 |
| Annex I, Part II                       |                                                                                                                                                                                 |                                                                                                                                                                                 |                                                                                                                                                                                                                               |                 |
| 1086                                   | Part II PART B: Requirements ensuring the appropriate functioning and performance of products                                                                                   | Part II PART <del>BC</del> : <u>Product requirements</u><br><br><u>PART CI</u> : Requirements ensuring the appropriate functioning and performance of products                  | <del>Part II</del> <u>ANNEX I-BC</u> <del>PART B</del> : <u>Inherent product</u> requirements <del>ensuring the appropriate functioning and performance of products</del>                                                     |                 |

|                             | Commission Proposal                                                | EP Mandate                                                         | Council Mandate | Draft Agreement |
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|                             |                                                                    |                                                                    |                 |                 |
| Annex I, point 3.           |                                                                    |                                                                    |                 |                 |
| 1087                        | 3. Products shall be designed and manufactured in such a way that: | 3. Products shall be designed and manufactured in such a way that: | <i>deleted</i>  |                 |
| <i>Annex I, point 3.(a)</i> |                                                                    |                                                                    |                 |                 |
| 1088                        | (a) they fulfil well their intended purpose;                       | (a) they fulfil well their intended purpose;                       | <i>deleted</i>  |                 |
| <i>Annex I, point 3.(b)</i> |                                                                    |                                                                    |                 |                 |
| 1089                        | (b) the fulfilment of the declared performance is not impaired;    | (b) the fulfilment of the declared performance is not impaired;    | <i>deleted</i>  |                 |

|                             | Commission Proposal                                                                                | EP Mandate                                                                                         | Council Mandate | Draft Agreement |
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|                             |                                                                                                    |                                                                                                    |                 |                 |
| <i>Annex I, point 3.(c)</i> |                                                                                                    |                                                                                                    |                 |                 |
| 1090                        | (c) the fulfilment of the environmental and safety requirements set out in Part C is not impaired; | (c) the fulfilment of the environmental and safety requirements set out in Part C is not impaired; | <i>deleted</i>  |                 |
| <i>Annex I, point 3.(d)</i> |                                                                                                    |                                                                                                    |                 |                 |
| 1091                        | (d) they work well when being used.                                                                | (d) they work well when being used.                                                                | <i>deleted</i>  |                 |
| <i>Annex I, point 4.</i>    |                                                                                                    |                                                                                                    |                 |                 |
| 1092                        | 4. The product requirements referred to in point 1 shall be specified in harmonised technical      | 4. The product requirements referred to in point 1 shall be specified in harmonised technical      |                 |                 |

|                             | Commission Proposal                                                                                   | EP Mandate                                                                                            | Council Mandate | Draft Agreement |
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|                             | specifications, including by specifying where necessary:                                              | specifications, including by specifying where necessary:                                              | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(a)</i> |                                                                                                       |                                                                                                       |                 |                 |
| 1093                        | (a) the use of specific materials which can be specified also in terms of their chemical composition; | (a) the use of specific materials which can be specified also in terms of their chemical composition; | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(b)</i> |                                                                                                       |                                                                                                       |                 |                 |
| 1094                        | (b) specific dimensions and shapes of products or their components;                                   | (b) specific dimensions and shapes of products or their components;                                   | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(c)</i> |                                                                                                       |                                                                                                       |                 |                 |
| 1095                        |                                                                                                       |                                                                                                       |                 |                 |

|                             | Commission Proposal                                                                                         | EP Mandate                                                                                                  | Council Mandate | Draft Agreement |
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|                             | (c) the use of certain components which can be specified also in terms of materials, dimensions and shapes; | (c) the use of certain components which can be specified also in terms of materials, dimensions and shapes; | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(d)</i> |                                                                                                             |                                                                                                             |                 |                 |
| 1096                        | (d) the use of certain accessories and requirements for them;                                               | (d) the use of certain accessories and requirements for them;                                               | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(e)</i> |                                                                                                             |                                                                                                             |                 |                 |
| 1097                        | (e) a specific way of installation;                                                                         | (e) a specific way of installation;                                                                         | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(f)</i> |                                                                                                             |                                                                                                             |                 |                 |



|                             | Commission Proposal                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                      | Council Mandate | Draft Agreement |
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| 1098                        | (f) a specific way of maintenance;                                                                                                                                                                                                                              | (f) a specific way of maintenance;                                                                                                                                                                                                                              | <i>deleted</i>  |                 |
| <i>Annex I, point 4.(g)</i> |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |                 |                 |
| 1099                        | (g) periodic inspections.                                                                                                                                                                                                                                       | (g) periodic inspections.                                                                                                                                                                                                                                       | <i>deleted</i>  |                 |
| <i>Annex I, point 5.</i>    |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |                 |                 |
| 1100                        | 5. Where these product requirements are necessary to ensure the performance with regard to a certain essential characteristic or the compliance with regard to a certain safety or environmental product requirement, this shall be specified in the harmonised | 5. Where these product requirements are necessary to ensure the performance with regard to a certain essential characteristic or the compliance with regard to a certain safety or environmental product requirement, this shall be specified in the harmonised | <i>deleted</i>  |                 |

|                                               | Commission Proposal                                                                         | EP Mandate                                                                                  | Council Mandate                                                  | Draft Agreement |
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|                                               | technical specifications.                                                                   | technical specifications.                                                                   |                                                                  |                 |
| <i>Annex I, Part III</i>                      |                                                                                             |                                                                                             |                                                                  |                 |
| 1101                                          | <i>Part III</i> PART C: Inherent product requirements                                       | Part III PART <del>C</del> <sup>2</sup> : Inherent product requirements                     | <i>deleted</i>                                                   |                 |
| <i>Annex I, point 6., first subparagraph</i>  |                                                                                             |                                                                                             |                                                                  |                 |
| 1102                                          | 1. Inherent product safety requirements                                                     | 1. Inherent product safety requirements                                                     | <del>1</del> <sup>2</sup> . Inherent product safety requirements |                 |
| <i>Annex I, point 6., second subparagraph</i> |                                                                                             |                                                                                             |                                                                  |                 |
| 1103                                          | Safety relates to professionals (workers) and laypersons (consumers, occupants), while they | Safety relates to professionals (workers) and laypersons (consumers, occupants), while they | <i>deleted</i>                                                   |                 |

|                                                    | Commission Proposal                                                                                                                                                               | EP Mandate                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                                                    | transport, install, maintain, use or dismantle the product, as well as while they treat the product for its end of life phase or its reuse or recycling.                          | transport, install, maintain, use or dismantle the product, as well as while they treat the product for its end of life phase or its reuse or recycling.                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| <i>Annex I, twenty-eighth paragraph</i>            |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 1104                                               | 1.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product safety risks are addressed in accordance with the state of the art: | 1.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product safety risks are addressed in accordance with the state of the art: | <del>1.1.</del> <u>2.1. Harmonised technical specifications adopted in accordance with Article 5(1) may, as appropriate for the products it covers, specify that</u> products shall be designed, manufactured, and packaged in such a way that <u>one or more of</u> the following inherent product safety risks are, <u>over the product's life cycle</u> , addressed in accordance with the state of the art <u>and to the extent not covered by other EU legislation</u> : |                 |
| <i>Annex I, twenty-eighth paragraph, point (a)</i> |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 1105                                               |                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |

|                                             | Commission Proposal                                                                                                     | EP Mandate                                                                                                              | Council Mandate                                                                                                         | Draft Agreement |
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|                                             | (a) chemical risks due to leaking or leaching;                                                                          | (a) chemical risks due to leaking or leaching;                                                                          | (a) chemical risks due to leaking or leaching;                                                                          |                 |
| Annex I, twenty-eighth paragraph, point (b) |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1106                                        | (b) risk of unbalanced composition in terms of substances resulting in flawed, safety-relevant functioning of products; | (b) risk of unbalanced composition in terms of substances resulting in flawed, safety-relevant functioning of products; | (b) risk of unbalanced composition in terms of substances resulting in flawed, safety-relevant functioning of products; |                 |
| Annex I, twenty-eighth paragraph, point (c) |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1107                                        | (c) mechanical risks;                                                                                                   | (c) mechanical risks;                                                                                                   | (c) mechanical risks;                                                                                                   |                 |
| Annex I, twenty-eighth paragraph, point (d) |                                                                                                                         |                                                                                                                         |                                                                                                                         |                 |
| 1108                                        | (d) mechanical failure;                                                                                                 | (d) mechanical failure;                                                                                                 | (d) mechanical failure;                                                                                                 |                 |

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|                                             |                                                   |                                                   |                                                   |                 |
| Annex I, twenty-eighth paragraph, point (e) |                                                   |                                                   |                                                   |                 |
| 1109                                        | (e) physical failure;                             | (e) physical failure;                             | (e) physical failure;                             |                 |
| Annex I, twenty-eighth paragraph, point (f) |                                                   |                                                   |                                                   |                 |
| 1110                                        | (f) risks of electric failure;                    | (f) risks of electric failure;                    | (f) risks of electric failure;                    |                 |
| Annex I, twenty-eighth paragraph, point (g) |                                                   |                                                   |                                                   |                 |
| 1111                                        | (g) risks linked to electricity supply breakdown; | (g) risks linked to electricity supply breakdown; | (g) risks linked to electricity supply breakdown; |                 |
| Annex I, twenty-eighth paragraph, point (h) |                                                   |                                                   |                                                   |                 |

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| 1112                                        | (h) risks linked to unintended charge or discharge of electricity; | (h) risks linked to unintended charge or discharge of electricity; | (h) risks linked to unintended charge or discharge of electricity; |                 |
| Annex I, twenty-eighth paragraph, point (i) |                                                                    |                                                                    |                                                                    |                 |
| 1113                                        | (i) risks linked to software failure;                              | (i) risks linked to software failure;                              | (i) risks linked to software failure;                              |                 |
| Annex I, twenty-eighth paragraph, point (j) |                                                                    |                                                                    |                                                                    |                 |
| 1114                                        | (j) risks of software manipulation;                                | (j) risks of software manipulation;                                | (j) risks of software manipulation;                                |                 |
| Annex I, twenty-eighth paragraph, point (k) |                                                                    |                                                                    |                                                                    |                 |
| 1115                                        | (k) risks of incompatibility of substances or materials;           | (k) risks of incompatibility of substances or materials;           | (k) risks of incompatibility of substances or materials;           |                 |

|                                             | Commission Proposal                                                                               | EP Mandate                                                                                        | Council Mandate                                                                                   | Draft Agreement |
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| Annex I, twenty-eighth paragraph, point (l) |                                                                                                   |                                                                                                   |                                                                                                   |                 |
| 1116                                        | (l) risks linked to the incompatibility of different items, at least one of them being a product; | (l) risks linked to the incompatibility of different items, at least one of them being a product; | (l) risks linked to the incompatibility of different items, at least one of them being a product; |                 |
| Annex I, twenty-eighth paragraph, point (m) |                                                                                                   |                                                                                                   |                                                                                                   |                 |
| 1117                                        | (m) risk of not performing as intended, whilst the performance is safety relevant;                | (m) risk of not performing as intended, whilst the performance is safety relevant;                | (m) risk of not performing as intended, whilst the performance is safety relevant;                |                 |
| Annex I, twenty-eighth paragraph, point (n) |                                                                                                   |                                                                                                   |                                                                                                   |                 |
| 1118                                        | (n) risk of misunderstanding instructions for use in a field                                      | (n) risk of misunderstanding instructions for use in a field                                      | (n) risk of misunderstanding instructions for use in a field                                      |                 |

|                                             | Commission Proposal                                                                                                        | EP Mandate                                                                                                                 | Council Mandate                                                                                                                     | Draft Agreement |
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|                                             | affecting health and safety;                                                                                               | affecting health and safety;                                                                                               | affecting health and safety;                                                                                                        |                 |
| Annex I, twenty-eighth paragraph, point (o) |                                                                                                                            |                                                                                                                            |                                                                                                                                     |                 |
| 1119                                        | (o) risk of unintended inappropriate installation or use;                                                                  | (o) risk of unintended inappropriate installation or use;                                                                  | (o) risk of unintended inappropriate installation or use;                                                                           |                 |
| Annex I, twenty-eighth paragraph, point (p) |                                                                                                                            |                                                                                                                            |                                                                                                                                     |                 |
| 1120                                        | (p) risk of intended inappropriate use.                                                                                    | (p) risk of intended inappropriate use.                                                                                    | (p) risk of intended inappropriate use.                                                                                             |                 |
| Annex I, thirtieth paragraph                |                                                                                                                            |                                                                                                                            |                                                                                                                                     |                 |
| 1121                                        | Harmonised technical specifications shall, as appropriate, specify these inherent product safety requirements, which might | Harmonised technical specifications shall, as appropriate, specify these inherent product safety requirements, which might | <u>2.2</u> <del>Harmonised technical specifications shall, as appropriate, specify these inherent product safety requirements</del> |                 |



|                                            | Commission Proposal                                                                                                                        | EP Mandate                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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|                                            | relate to but are in essence independent from the phase of the installation of the product into construction works.                        | relate to but are in essence independent from the phase of the installation of the product into construction works.                        | <u>Voluntary harmonised standards, requested in accordance with article 5a(1),</u> <del>which might relate to but are in essence independent from the phase of the installation of the product into construction works.</del> <u>shall set out how any requirements in accordance with Point 2.1 can be fulfilled, by for instance:</u> |                 |
| Annex I, thirty-first paragraph            |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                         |                 |
| 1122                                       | When specifying the inherent product safety requirements, harmonised technical specifications shall at least cover the following elements: | When specifying the inherent product safety requirements, harmonised technical specifications shall at least cover the following elements: | deleted<br><br>merged into row 1121.                                                                                                                                                                                                                                                                                                    |                 |
| Annex I, thirty-first paragraph, point (a) |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                         |                 |
| 1123                                       |                                                                                                                                            |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                         |                 |

|                                            | Commission Proposal                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                       | Draft Agreement |
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|                                            | (a) define the state of the art of possible risk reduction with regard to the respective product category, including the risk of incompatibility of different items, at least one of them being a product; | (a) define the state of the art of possible risk reduction with regard to the respective product category, including the risk of incompatibility of different items, at least one of them being a product;                    | (a) <del>define</del> <u>defining</u> the state of the art of possible risk reduction with regard to the respective product category, including the risk of incompatibility of different items, at least one of them being a product; |                 |
| Annex I, thirty-first paragraph, point (b) |                                                                                                                                                                                                            |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                       |                 |
| 1124                                       | (b) provide technical solutions that avoid safety-related risks;                                                                                                                                           | (b) provide technical solutions that avoid safety-related risks;                                                                                                                                                              | (b) <del>provide</del> <u>providing</u> technical solutions that avoid safety-related risks <del>;</del> <u>, or</u>                                                                                                                  |                 |
| Annex I, thirty-first paragraph, point (c) |                                                                                                                                                                                                            |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                       |                 |
| 1125                                       | (c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use;                                           | (c) where risk avoidance is not possible, risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use, <u>where such warnings are not already required by other</u> | <del>(e)</del> where risk avoidance is not possible, <del>risks shall be reduced, mitigated and addressed by</del> <u>reduce and mitigate risks by addressing them through</u> warnings on the product, its packaging and in          |                 |

|                                        | Commission Proposal                                                                                                                                           | EP Mandate                                                                                                                                                    | Council Mandate                                                                                                                                                          | Draft Agreement |
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|                                        |                                                                                                                                                               | <u>applicable Union legal acts</u> ;                                                                                                                          | instructions for use;                                                                                                                                                    |                 |
| Annex I, thirty-second paragraph       |                                                                                                                                                               |                                                                                                                                                               |                                                                                                                                                                          |                 |
| 1126                                   | When specifying the inherent product safety requirements, harmonised technical specifications may differentiate these in accordance with performance classes. | When specifying the inherent product safety requirements, harmonised technical specifications may differentiate these in accordance with performance classes. | <u>2.3</u> When specifying the inherent product safety requirements, harmonised technical specifications may differentiate these in accordance with performance classes. |                 |
| Annex I, point 7., first subparagraph  |                                                                                                                                                               |                                                                                                                                                               |                                                                                                                                                                          |                 |
| 1127                                   | 2. Inherent product environmental requirements                                                                                                                | 2. Inherent product environmental requirements                                                                                                                | <del>2.3</del> . Inherent product environmental requirements                                                                                                             |                 |
| Annex I, point 7., second subparagraph |                                                                                                                                                               |                                                                                                                                                               |                                                                                                                                                                          |                 |
| 1128                                   |                                                                                                                                                               |                                                                                                                                                               |                                                                                                                                                                          |                 |

|                                        | Commission Proposal                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                                        | Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase. | Environment relates to the extraction and manufacturing of the materials, the manufacturing of the product, <u>the transport of materials and products</u> , its maintenance, its potential to remain as long as possible within a circular economy and its end of life phase. | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| <i>Annex I, thirty-third paragraph</i> |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 1129                                   | 2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed in accordance with the state of the art:                                    | 2.1. Products shall be designed, manufactured, and packaged in such a way that the following inherent product environmental aspects are addressed <del>in</del> <del>accordance with the state of the art</del> <u>wherever possible without safety loss</u> :                 | <del>2.13.1.</del> <u>Harmonised technical specifications adopted in accordance with Article 5(1) may, as appropriate for the products it covers, specify that</u> products shall be designed, manufactured, and packaged in such a way that <u>one or more of</u> the following inherent product environmental aspects are, <u>over the product's life cycle</u> , addressed in accordance with the state of the art <u>and to the extent not covered by other EU legislation</u> : |                 |

|                                            | Commission Proposal                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                      | Draft Agreement |
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|                                            |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                      |                 |
| Annex I, thirty-third paragraph, point (a) |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                      |                 |
| 1130                                       | (a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements; | (a) maximising durability <u>and reliability of the product or its components as expressed through a product's guaranteed lifetime, technical lifetime indication of real use information on the product, resistance to stress or ageing mechanisms in order to extend the lifetime of buildings and their use phase and</u> in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements. <u>Emissions from life-cycle extensions should be assessed and compared with demolition and reconstruction emissions through pre-demolition audits;</u> | (a) maximising durability in terms of the expected average life span, the expected minimum life span under worst but still realistic conditions, and in terms of the minimum life span requirements; |                 |
| Annex I, thirty-third paragraph, point (b) |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                      |                 |

|                                            | Commission Proposal                                                                                                 | EP Mandate                                                                                                                                                                                | Council Mandate                                                                                                     | Draft Agreement |
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| 1131                                       | (b) minimising whole-life-cycle greenhouse gas emissions;                                                           | (b) minimising whole-life-cycle greenhouse gas emissions;                                                                                                                                 | (b) minimising <del>whole-life-cycle</del> <u>life-cycle</u> greenhouse gas emissions;                              |                 |
| Annex I, thirty-third paragraph, point (c) |                                                                                                                     |                                                                                                                                                                                           |                                                                                                                     |                 |
| 1132                                       | (c) maximising recycled content wherever possible without safety loss or outweighing negative environmental impact; | (c) maximising <del>recycled content wherever possible without safety loss or outweighing negative environmental impact</del> <u>reused, recycled renewable, and by-product content</u> ; | (c) maximising recycled content wherever possible without safety loss or outweighing negative environmental impact; |                 |
| Annex I, thirty-third paragraph, point (d) |                                                                                                                     |                                                                                                                                                                                           |                                                                                                                     |                 |
| 1133                                       | (d) selection of safe, environmentally benign substances;                                                           | (d) selection of safe, <u>sustainable-by-design, and</u> environmentally benign substances;                                                                                               | (d) selection of safe, environmentally benign substances;                                                           |                 |

|                                             | Commission Proposal                   | EP Mandate                                                                                                 | Council Mandate                       | Draft Agreement |
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| Annex I, thirty-third paragraph, point (e)  |                                       |                                                                                                            |                                       |                 |
| 1134                                        | (e) energy use and energy efficiency; | (e) energy use and energy efficiency;                                                                      | (e) energy use and energy efficiency; |                 |
| Annex I, thirty-third paragraph, point (f)  |                                       |                                                                                                            |                                       |                 |
| 1135                                        | (f) resource efficiency;              | (f) <u>materials and</u> resource efficiency, <u>including maximising the use of renewable materials</u> ; | (f) resource efficiency;              |                 |
| Annex I, thirty-third paragraph, point (fa) |                                       |                                                                                                            |                                       |                 |
| 1135a                                       |                                       | <u>(fa) modularity</u> ;                                                                                   |                                       |                 |
| Annex I, thirty-third paragraph, point (g)  |                                       |                                                                                                            |                                       |                 |

|                                            | Commission Proposal                                                                                                       | EP Mandate                                                                                                                | Council Mandate                                                                                                           | Draft Agreement |
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| 1136                                       | (g) identification which product or parts thereof and in what quantity can be reused after de-installation (reusability); | (g) identification which product or parts thereof and in what quantity can be reused after de-installation (reusability); | (g) identification which product or parts thereof and in what quantity can be reused after de-installation (reusability); |                 |
| Annex I, thirty-third paragraph, point (h) |                                                                                                                           |                                                                                                                           |                                                                                                                           |                 |
| 1137                                       | (h) upgradability;                                                                                                        | (h) upgradability;                                                                                                        | (h) upgradability;                                                                                                        |                 |
| Annex I, thirty-third paragraph, point (i) |                                                                                                                           |                                                                                                                           |                                                                                                                           |                 |
| 1138                                       | (i) reparability during the expected life span;                                                                           | (i) <u>ease of</u> reparability during the expected life span;                                                            | (i) reparability during the expected life span, <u>including compatibility with commonly available spare parts</u> ;      |                 |
| Annex I, thirty-third paragraph, point (j) |                                                                                                                           |                                                                                                                           |                                                                                                                           |                 |



|                                             | Commission Proposal                                                                                                           | EP Mandate                                                                                                                    | Council Mandate                                                                                                               | Draft Agreement |
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| 1139                                        | (j) possibility of maintenance and refurbishment during the expected life span;                                               | (j) <del>possibility</del> <sup>ease</sup> of maintenance and refurbishment during the expected life span;                    | (j) possibility of maintenance and refurbishment during the expected life span;                                               |                 |
| Annex I, thirty-third paragraph, point (k)  |                                                                                                                               |                                                                                                                               |                                                                                                                               |                 |
| 1140                                        | (k) recyclability and the capability to be remanufactured;                                                                    | (k) recyclability and the capability to be remanufactured;                                                                    | (k) recyclability and the capability to be remanufactured;                                                                    |                 |
| Annex I, thirty-third paragraph, point (l)  |                                                                                                                               |                                                                                                                               |                                                                                                                               |                 |
| 1141                                        | (l) capability of different materials or substances to be separated and recovered during dismantling or recycling procedures. | (l) capability of different materials or substances to be separated and recovered during dismantling or recycling procedures. | (l) capability of different materials or substances to be separated and recovered during dismantling or recycling procedures. |                 |
| Annex I, thirty-third paragraph, point (la) |                                                                                                                               |                                                                                                                               |                                                                                                                               |                 |

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| 1141a                                       |                     | <u>(la) sustainable sourcing, as demonstrated by due diligence statements and sustainable sourcing certification, where relevant;</u> |                 |                 |
| Annex I, thirty-third paragraph, point (lb) |                     |                                                                                                                                       |                 |                 |
| 1141b                                       |                     | <u>(lb) minimising product-to-packaging ratio;</u>                                                                                    |                 |                 |
| Annex I, thirty-third paragraph, point (lc) |                     |                                                                                                                                       |                 |                 |
| 1141c                                       |                     | <u>(lc) release of odours or substances with adverse effects on human health into indoor air;</u>                                     |                 |                 |
| Annex I, thirty-third paragraph, point (ld) |                     |                                                                                                                                       |                 |                 |

|                                             | Commission Proposal | EP Mandate                                                                                                                                                        | Council Mandate | Draft Agreement |
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| 1141d                                       |                     | <u>(ld) microplastic release;</u>                                                                                                                                 |                 |                 |
| Annex I, thirty-third paragraph, point (le) |                     |                                                                                                                                                                   |                 |                 |
| 1141e                                       |                     | <u>(le) amounts of waste generated, notably hasardous waste and waste without an identified recycling treatment;</u>                                              |                 |                 |
| Annex I, thirty-third paragraph, point (lf) |                     |                                                                                                                                                                   |                 |                 |
| 1141f                                       |                     | <u>(lf) absence of waste that could be otherwise reused or recycled treated to final disposal, including incineration with recovery of energy, or backfilled.</u> |                 |                 |
| Annex I, thirty-fifth paragraph             |                     |                                                                                                                                                                   |                 |                 |

|                                 | Commission Proposal                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 1142                            | Harmonised technical specifications shall, as appropriate, specify these inherent product environmental requirements, which might relate to but are in essence independent from the phase of the installation of the product into construction works. | <del>Harmonised technical specifications</del> <u>Delegated acts adopted in accordance with Article 5(2)</u> shall, as appropriate, specify these inherent product environmental requirements <u>for product families or categories</u> , which might relate to but are in essence independent from the phase of the installation of the product into construction works. | deleted                                                                                                                                                                                                                                                                                                                                                                |                 |
| Annex I, thirty-sixth paragraph |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1143                            | When specifying the inherent product environmental requirements, harmonised technical specifications shall at least cover the following elements:                                                                                                     | When specifying the inherent product environmental requirements, <del>harmonised technical specifications</del> <u>delegated acts</u> shall at least cover the following elements:                                                                                                                                                                                        | <u>3.2</u> <del>When specifying the inherent product environmental requirements</del> <u>Voluntary harmonised standards, requested in accordance with article 5a(1), shall set out how any requirements in accordance with Point 3.1 can be fulfilled, by for instance <del>harmonised technical specifications shall at least cover the following elements:</del></u> |                 |

|                                            | Commission Proposal                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                         | Draft Agreement |
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| Annex I, thirty-sixth paragraph, point (a) |                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                         |                 |
| 1144                                       | (a) if possible, define the state of the art of addressing the environmental aspects with regard to the respective product category, including the minimum recycled content; | (a) <del>if possible, define the state of the art of addressing the environmental aspects with regard to the respective product category</del> <u>define environmental aspects with regard to the respective product category, which shall at least include whole life cycle greenhouse gas emissions, resource efficiency</u> , including the minimum recycled content, <u>and reusability</u> ; | (a) <del>if possible, define</del> <u>defining</u> the state of the art of addressing the environmental aspects with regard to the respective product category, including the minimum recycled content; |                 |
| Annex I, thirty-sixth paragraph, point (b) |                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                         |                 |
| 1145                                       | (b) provide technical solutions which avoid negative environmental effects and risks, including the generation of waste materials;                                           | (b) provide technical solutions which avoid negative environmental effects and risks, including the generation of waste materials;                                                                                                                                                                                                                                                                | (b) <del>provide</del> <u>providing</u> technical solutions which avoid negative environmental effects and risks, including the generation of waste materials; <u>or</u>                                |                 |

|                                            | Commission Proposal                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                            |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                 |
| Annex I, thirty-sixth paragraph, point (c) |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                 |
| 1146                                       | (c) where avoidance is not possible, negative effects and risks shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use. | (c) where avoidance is not possible, negative effects and risks <u>derived from any type of the product's performance</u> shall be reduced, mitigated and addressed by warnings on the product, its packaging and in instructions for use.                                                                                | <del>(c)</del> where avoidance is not possible, <u>reduce and mitigate</u> negative effects and risks <u>by addressing them through</u> <del>shall be reduced, mitigated and addressed by</del> warnings on the product, its packaging and in instructions for use. |                 |
| Annex I, thirty-seventh paragraph          |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                 |
| 1147                                       | When specifying the inherent product environmental requirements, harmonised technical specifications may differentiate these in accordance with performance classes.             | <del>When specifying the inherent product environmental requirements, harmonised technical specifications may differentiate these in accordance with performance classes</del> <u>Delegated acts adopted in accordance with Article 5(2) shall, where applicable, determine mandatory threshold levels and classes of</u> | <u>3.3</u> When specifying the inherent product environmental requirements, harmonised technical specifications may differentiate these in accordance with performance classes.                                                                                     |                 |

|                                  | Commission Proposal                                            | EP Mandate                                                                                                                                                   | Council Mandate                                                                                                                                              | Draft Agreement |
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|                                  |                                                                | <u>performance for particular product families and categories in relation to the inherent product environmental requirements referred to in paragraph 2.</u> |                                                                                                                                                              |                 |
| Annex I, Part IV                 |                                                                |                                                                                                                                                              |                                                                                                                                                              |                 |
| 1148                             | Part IV PART D: Product information requirements               | Part IV PART <del>D</del> <u>C3</u> : Product information requirements                                                                                       | <del>Part IV</del> <u>Annex I</u> <del>PART</del> D: Product information <del>requirements</del>                                                             |                 |
| Annex I, point 1.                |                                                                |                                                                                                                                                              |                                                                                                                                                              |                 |
| 1149                             | 8. Products shall be accompanied by the following information: | 8. Products shall be accompanied by the following information. <u>where appropriate:</u>                                                                     | <del>81. Products shall be accompanied by</del> <u>General information General information referred to in article 21(6) cover</u> the following information: |                 |
| Annex I, thirty-eighth paragraph |                                                                |                                                                                                                                                              |                                                                                                                                                              |                 |

|                                            | Commission Proposal                                                                                                                                 | EP Mandate                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| 1150                                       | 1.1. Product identification:<br>unequivocal type number on the<br>basis of the determination of<br>product type pursuant to Article 3,<br>point 31. | 1.1. Product identification:<br>unequivocal type number on the<br>basis of the determination of<br>product type pursuant to Article 3,<br>point 31. | 1.1. Product identification:<br><u>unique identification code</u><br><del>unequivocal type number on the</del><br><del>basis</del> of the <del>determination of</del><br>product type <u>as indicated in</u><br><u>accordance with</u> <del>pursuant to</del><br>Article <del>3, point 31</del> <u>21(5)</u> . |                 |
| Annex I, thirty-ninth paragraph            |                                                                                                                                                     |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                |                 |
| 1151                                       | 1.2. Product description:                                                                                                                           | 1.2. Product description:                                                                                                                           | 1.2. Product description:                                                                                                                                                                                                                                                                                      |                 |
| Annex I, thirty-ninth paragraph, point (a) |                                                                                                                                                     |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                |                 |
| 1152                                       | (a) intended uses;                                                                                                                                  | (a) intended uses;                                                                                                                                  | (a) <del>intended</del> <u>declared</u> uses;                                                                                                                                                                                                                                                                  |                 |
| Annex I, thirty-ninth paragraph, point (b) |                                                                                                                                                     |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                |                 |



|                                            | Commission Proposal                                                                | EP Mandate                                                                         | Council Mandate                                                                                               | Draft Agreement |
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| 1153                                       | (b) intended users;                                                                | (b) intended users;                                                                | (b) intended users;                                                                                           |                 |
| Annex I, thirty-ninth paragraph, point (c) |                                                                                    |                                                                                    |                                                                                                               |                 |
| 1154                                       | (c) conditions of uses;                                                            | (c) conditions of uses;                                                            | (c) conditions of uses;                                                                                       |                 |
| Annex I, thirty-ninth paragraph, point (d) |                                                                                    |                                                                                    |                                                                                                               |                 |
| 1155                                       | (d) estimated average and minimum service life span for intended use (durability); | (d) estimated average and minimum service life span for intended use (durability); | (d) estimated average and minimum service life span for <del>intended</del> <u>declared</u> use (durability); |                 |
| Annex I, thirty-ninth paragraph, point (e) |                                                                                    |                                                                                    |                                                                                                               |                 |
| 1156                                       | (e) nominal dimensions                                                             | (e) nominal dimensions                                                             |                                                                                                               |                 |

|                                                   | Commission Proposal      | EP Mandate               | Council Mandate                                                                   | Draft Agreement |
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|                                                   | (drawings);              | (drawings);              | <i>deleted</i>                                                                    |                 |
| <i>Annex I, thirty-ninth paragraph, point (f)</i> |                          |                          |                                                                                   |                 |
| 1157                                              | (f) main materials used; | (f) main materials used; | (f) main materials used;                                                          |                 |
| <i>Annex I, thirty-ninth paragraph, point (g)</i> |                          |                          |                                                                                   |                 |
| 1158                                              | (g) key parts.           | (g) key parts.           | <i>deleted</i>                                                                    |                 |
| <i>Annex I, point 1.4</i>                         |                          |                          |                                                                                   |                 |
| 1158a                                             |                          |                          | <u>1.4. Contact details of the manufacturer or the authorised representative:</u> |                 |

|                        | Commission Proposal | EP Mandate | Council Mandate            | Draft Agreement |
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|                        |                     |            |                            |                 |
| Annex I, point 9.(a)   |                     |            |                            |                 |
| 1158b                  |                     |            | <u>(a) name;</u>           |                 |
| Annex I, point 1.4.(b) |                     |            |                            |                 |
| 1158c                  |                     |            | <u>(b) postal address;</u> |                 |
| Annex I, point 1.4.(c) |                     |            |                            |                 |
| 1158d                  |                     |            | <u>(c) telephone;</u>      |                 |
| Annex I, point 1.4.(d) |                     |            |                            |                 |
| 1158e                  |                     |            |                            |                 |

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|                        |                     |            | <u>(d) email address;</u>                                                                                                             |                 |
| Annex I, point 1.4.(e) |                     |            |                                                                                                                                       |                 |
| 1158f                  |                     |            | <u>(e) website, where available;</u>                                                                                                  |                 |
| Annex I, point 1.5.    |                     |            |                                                                                                                                       |                 |
| 1158g                  |                     |            | <u>1.5. Contact details of the product contact point for construction in the Member State in which the product is made available.</u> |                 |
| Annex I, point 2.      |                     |            |                                                                                                                                       |                 |
| 1158h                  |                     |            | <u>2. Instructions for use and safety information</u>                                                                                 |                 |

|                                           | Commission Proposal                                                                    | EP Mandate                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                   | Draft Agreement |
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| Annex I, fortieth paragraph               |                                                                                        |                                                                                                                                  |                                                                                                                                                                                                                                                                   |                 |
| 1159                                      | 1.3. Transport, installation, maintenance, deconstruction and demolition rules:        | 1.3. Transport, installation, maintenance, deconstruction, <u>deinstallation</u> and demolition rules, <u>where applicable</u> : | <del>1.3.2.1 Transport, installation, maintenance, deconstruction and demolition rules</del> <u>Instructions for use and safety information referred to in article 21(6) cover the following elements where deemed relevant for the product type in question:</u> |                 |
| Annex I, fortieth paragraph, point (a)    |                                                                                        |                                                                                                                                  |                                                                                                                                                                                                                                                                   |                 |
| 1160                                      | (a) Safety during transport, installation, maintenance, deconstruction and demolition: | (a) Safety during transport, installation, <u>deinstallation</u> , maintenance, deconstruction and demolition:                   | (a) Safety during transport, installation, maintenance, <del>deconstruction and demolition</del> <u>and de-installation</u> :                                                                                                                                     |                 |
| Annex I, fortieth paragraph, point (a)(i) |                                                                                        |                                                                                                                                  |                                                                                                                                                                                                                                                                   |                 |

|                                             | Commission Proposal                                                                                                                                                                           | EP Mandate                                                                                                                                                                                    | Council Mandate                                                                                                                                                                               | Draft Agreement |
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| 1161                                        | (i) potential risks of the product and any reasonably foreseeable misuse thereof;                                                                                                             | (i) potential risks of the product and any reasonably foreseeable misuse thereof;                                                                                                             | (i) potential risks of the product and any reasonably foreseeable misuse thereof;                                                                                                             |                 |
| Annex I, fortieth paragraph, point (a)(ii)  |                                                                                                                                                                                               |                                                                                                                                                                                               |                                                                                                                                                                                               |                 |
| 1162                                        | (ii) instructions for the assembly, installation and connection, including drawings, diagrams and, where relevant, the means of attachment to other products and parts of construction works; | (ii) instructions for the assembly, installation and connection, including drawings, diagrams and, where relevant, the means of attachment to other products and parts of construction works; | (ii) instructions for the assembly, installation and connection, including drawings, diagrams and, where relevant, the means of attachment to other products and parts of construction works; |                 |
| Annex I, fortieth paragraph, point (a)(iii) |                                                                                                                                                                                               |                                                                                                                                                                                               |                                                                                                                                                                                               |                 |
| 1163                                        | (iii) instructions for operation and maintenance to be carried out safely, including the protective measures that should be taken during these operations;                                    | (iii) instructions for operation and maintenance to be carried out safely, including the protective measures that should be taken during these operations;                                    | (iii) instructions for operation and maintenance to be carried out safely, including the protective measures that should be taken during these operations;                                    |                 |

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| Annex I, fortieth paragraph, point (a)(iv) |                                                                                  |                                                                                  |                                                                                  |                 |
| 1164                                       | (iv) if necessary, instructions for the training of the installers or operators; | (iv) if necessary, instructions for the training of the installers or operators; | (iv) if necessary, instructions for the training of the installers or operators; |                 |
| Annex I, fortieth paragraph, point (a)(v)  |                                                                                  |                                                                                  |                                                                                  |                 |
| 1165                                       | (v) information on what to do in case of failure or accidents;                   | (v) information on what to do in case of failure or accidents;                   | (v) information on what to do in case of failure or accidents;                   |                 |
| Annex I, fortieth paragraph, point (b)     |                                                                                  |                                                                                  |                                                                                  |                 |
| 1166                                       | (b) Compatibility and integration into systems or kits:                          | (b) Compatibility and integration into systems or kits:                          | (b) Compatibility and integration into systems or kits:                          |                 |

|                                             | Commission Proposal                                                                                                   | EP Mandate                                                                                                            | Council Mandate                                                                                                       | Draft Agreement |
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| Annex I, fortieth paragraph, point (b)(i)   |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |
| 1167                                        | (i) compatibility with other materials or products, regardless of whether they are covered by this Regulation or not; | (i) compatibility with other materials or products, regardless of whether they are covered by this Regulation or not; | (i) compatibility with other materials or products, regardless of whether they are covered by this Regulation or not; |                 |
| Annex I, fortieth paragraph, point (b)(ii)  |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |
| 1168                                        | (ii) electric and electro-magnetic compatibility;                                                                     | (ii) electric and electro-magnetic compatibility;                                                                     | (ii) electric and electro-magnetic compatibility;                                                                     |                 |
| Annex I, fortieth paragraph, point (b)(iii) |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |
| 1169                                        | (iii) software compatibility;                                                                                         | (iii) software compatibility;                                                                                         | (iii) software compatibility;                                                                                         |                 |
| Annex I, fortieth paragraph, point (b)(iv)  |                                                                                                                       |                                                                                                                       |                                                                                                                       |                 |



|                                           | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                            | Council Mandate                                                                                                                                                       | Draft Agreement |
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| 1170                                      | (iv) integration into systems or kits;                                                                                                                                | (iv) integration into systems or kits;                                                                                                                                | (iv) integration into systems or kits;                                                                                                                                |                 |
| Annex I, fortieth paragraph, point (c)    |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                       |                 |
| 1171                                      | (c) Maintenance needs with a view to maintaining the performance of the product during its service life span:                                                         | (c) Maintenance needs with a view to maintaining the performance of the product during its service life span:                                                         | (c) Maintenance needs with a view to maintaining the performance of the product during its service life span:                                                         |                 |
| Annex I, fortieth paragraph, point (c)(i) |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                       |                 |
| 1172                                      | (i) description of the adjustment and maintenance operations that should be carried out by the users and the preventive maintenance measures that should be observed; | (i) description of the adjustment and maintenance operations that should be carried out by the users and the preventive maintenance measures that should be observed; | (i) description of the adjustment and maintenance operations that should be carried out by the users and the preventive maintenance measures that should be observed; |                 |

|                                             | Commission Proposal                                                                                                                                                        | EP Mandate                                                                                                                                                                                       | Council Mandate                                                                                                                                                            | Draft Agreement |
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| Annex I, fortieth paragraph, point (c)(ii)  |                                                                                                                                                                            |                                                                                                                                                                                                  |                                                                                                                                                                            |                 |
| 1173                                        | (ii) the type and frequency of inspections and maintenance required for safety reasons and, where appropriate, the parts subject to wear and the criteria for replacement; | (ii) the type and frequency of inspections and maintenance required for safety <u>and durability</u> reasons and, where appropriate, the parts subject to wear and the criteria for replacement; | (ii) the type and frequency of inspections and maintenance required for safety reasons and, where appropriate, the parts subject to wear and the criteria for replacement; |                 |
| Annex I, fortieth paragraph, point (c)(iii) |                                                                                                                                                                            |                                                                                                                                                                                                  |                                                                                                                                                                            |                 |
| 1174                                        | (iii) information on what to do in case of failure or accident;                                                                                                            | (iii) information on what to do in case of failure or accident;                                                                                                                                  | (iii) information on what to do in case of failure or accident;                                                                                                            |                 |
| Annex I, fortieth paragraph, point (d)      |                                                                                                                                                                            |                                                                                                                                                                                                  |                                                                                                                                                                            |                 |
| 1175                                        | (d) Safety during use:                                                                                                                                                     | (d) Safety during use:                                                                                                                                                                           | (d) Safety during use:                                                                                                                                                     |                 |

|                                             | Commission Proposal                                                                                                                                  | EP Mandate                                                                                                                                           | Council Mandate                                                                                                                                      | Draft Agreement |
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| Annex I, fortieth paragraph, point (d)(i)   |                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                      |                 |
| 1176                                        | (i) instructions on the protective measures to be taken by the user, including, where appropriate, the personal protective equipment to be provided; | (i) instructions on the protective measures to be taken by the user, including, where appropriate, the personal protective equipment to be provided; | (i) instructions on the protective measures to be taken by the user, including, where appropriate, the personal protective equipment to be provided; |                 |
| Annex I, fortieth paragraph, point (d)(ii)  |                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                      |                 |
| 1177                                        | (ii) instructions designed for the safe use of the product, including the protective measures that should be taken during its use;                   | (ii) instructions designed for the safe use of the product, including the protective measures that should be taken during its use;                   | (ii) instructions designed for the safe use of the product, including the protective measures that should be taken during its use;                   |                 |
| Annex I, fortieth paragraph, point (d)(iii) |                                                                                                                                                      |                                                                                                                                                      |                                                                                                                                                      |                 |
| 1178                                        | (iii) information on what to do in case of failure or accident during use;                                                                           | (iii) information on what to do in case of failure or accident during use;                                                                           | (iii) information on what to do in case of failure or accident during use;                                                                           |                 |

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| Annex I, fortieth paragraph, point (e) |                                                                               |                                                                               |                                                                               |                 |
| 1179                                   | (e) Training and other requirements necessarily to be fulfilled for safe use; | (e) Training and other requirements necessarily to be fulfilled for safe use; | (e) Training and other requirements necessarily to be fulfilled for safe use; |                 |
| Annex I, fortieth paragraph, point (f) |                                                                               |                                                                               |                                                                               |                 |
| 1180                                   | (f) Risk mitigation possibilities going beyond points 1.2 to 1.3.             | (f) Risk mitigation possibilities going beyond points 1.2 to 1.3.             | <i>deleted</i>                                                                |                 |
| Annex I, forty-first paragraph         |                                                                               |                                                                               |                                                                               |                 |
| 1181                                   | 1.4. Contact details of the manufacturer or the representative:               | 1.4. Contact details of the manufacturer or the representative:               | <i>deleted</i>                                                                |                 |

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| <i>Annex I, forty-first paragraph, point (a)</i>    |                                                                                   |                                                                                   |                 |                 |
| 1182                                                | (a) address/website/telephone number/email address;                               | (a) address/website/telephone number/email address;                               | <i>deleted</i>  |                 |
| <i>Annex I, forty-first paragraph, point (b)</i>    |                                                                                   |                                                                                   |                 |                 |
| 1183                                                | (b) if possible, specific contact details should be given for:                    | (b) if possible, specific contact details should be given for:                    | <i>deleted</i>  |                 |
| <i>Annex I, forty-first paragraph, point (b)(i)</i> |                                                                                   |                                                                                   |                 |                 |
| 1184                                                | (i) information on installation, maintenance, use, deconstruction and demolition, | (i) information on installation, maintenance, use, deconstruction and demolition, | <i>deleted</i>  |                 |

|                                                       | Commission Proposal                                                               | EP Mandate                                                                        | Council Mandate | Draft Agreement |
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| <i>Annex I, forty-first paragraph, point (b)(ii)</i>  |                                                                                   |                                                                                   |                 |                 |
| 1185                                                  | (ii) information on risks,                                                        | (ii) information on risks,                                                        | <i>deleted</i>  |                 |
| <i>Annex I, forty-first paragraph, point (b)(iii)</i> |                                                                                   |                                                                                   |                 |                 |
| 1186                                                  | (iii) information in case of failure;                                             | (iii) information in case of failure;                                             | <i>deleted</i>  |                 |
| <i>Annex I, forty-second paragraph</i>                |                                                                                   |                                                                                   |                 |                 |
| 1187                                                  | 1.5. Contact details of relevant authorities in case of risky or faulty products. | 1.5. Contact details of relevant authorities in case of risky or faulty products. | <i>deleted</i>  |                 |

|                                 | Commission Proposal                                                                                     | EP Mandate                                                                                              | Council Mandate                                                                                                                                                                                                                                                                            | Draft Agreement |
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| Annex I, forty-fourth paragraph |                                                                                                         |                                                                                                         |                                                                                                                                                                                                                                                                                            |                 |
| 1188                            | Rules or recommendations for repair, deconstruction, reuse, remanufacturing, recycling or safe deposit. | Rules or recommendations for repair, deconstruction, reuse, remanufacturing, recycling or safe deposit. | <del>2.2 Rules or recommendations for repair, deconstruction, reuse, remanufacturing, recycling or safe deposit.</del> <u>Instructions for use referred to in article 21(6) provide, where deemed relevant for the product type in question, rules or recommendations for a product's:</u> |                 |
| Annex I, 2.2, point (a)         |                                                                                                         |                                                                                                         |                                                                                                                                                                                                                                                                                            |                 |
| 1188a                           |                                                                                                         |                                                                                                         | <u>(a) repair,</u>                                                                                                                                                                                                                                                                         |                 |
| Annex I, 2.2, point (b)         |                                                                                                         |                                                                                                         |                                                                                                                                                                                                                                                                                            |                 |
| 1188b                           |                                                                                                         |                                                                                                         |                                                                                                                                                                                                                                                                                            |                 |

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|                         |                     |            | <u>(b) de-installation.</u> |                 |
| Annex I, 2.2, point (c) |                     |            |                             |                 |
| 1188c                   |                     |            | <u>(c) reuse.</u>           |                 |
| Annex I, 2.2, point (d) |                     |            |                             |                 |
| 1188d                   |                     |            | <u>(d) remanufacturing.</u> |                 |
| Annex I, 2.2, point (e) |                     |            |                             |                 |
| 1188e                   |                     |            | <u>(e) recycling.</u>       |                 |
| Annex I, 2.2, point (f) |                     |            |                             |                 |



|                                   | Commission Proposal                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| 1188f                             |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                     | <u>(f) safe deposit.</u>                                                                                                                                                                                                                                                                                                            |                 |
| Annex I, forty-fourth paragraph a |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                     |                 |
| 1188g                             |                                                                                                                                                                                                                                                                                                     | <u>1.6a. Where available, information on the performance of the product as measured in terms of its inherent product environmental requirements.</u>                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                     |                 |
| Annex I, forty-fifth paragraph    |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                     |                 |
| 1189                              | Product information on these items shall, both in terms of quantity and quality, suffice to make knowledgeable decisions on purchase, including the respective needed quantity, installation, use, maintenance, dismantling, reuse and recycling of the product. It shall include all the drawings, | Product information on these items shall, both in terms of quantity and quality, suffice to make knowledgeable decisions on purchase, including the respective needed quantity, installation, use, maintenance, dismantling, reuse and recycling of the product. It shall include all the drawings, | <u>3. <del>Product</del>The</u> information <u>provided on the elements listed in points 2.1 and 2.2</u> <del>-on these items</del> shall, both in terms of quantity and quality, suffice to make knowledgeable decisions on purchase, including the respective needed quantity, installation, use, maintenance, dismantling, reuse |                 |

|                                        | Commission Proposal                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                 | Draft Agreement |
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|                                        | diagrams, descriptions and explanations necessary to understand it.                                                                                                                                                                     | diagrams, descriptions and explanations necessary to understand it.                                                                                                                                                                     | and recycling of the product. <del># shall include all the drawings, diagrams, descriptions and explanations necessary to understand it.</del>                                                                                                                  |                 |
| Annex I, point 9.                      |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                 |                 |
| 1190                                   | 9. Harmonised technical specifications may specify that a certain product information requirement is not relevant for a certain product category.                                                                                       | 9. Harmonised technical specifications may specify that a certain product information requirement is not relevant for a certain product category.                                                                                       | <i>deleted</i>                                                                                                                                                                                                                                                  |                 |
| Annex I, point 10., first subparagraph |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                 |                 |
| 1191                                   | 3. Harmonised technical specifications shall, as appropriate, specify the product information requirements set out in point 1 that may relate both to the product itself and to its installation into construction works. Thereby, they | 3. Harmonised technical specifications shall, as appropriate, specify the product information requirements set out in point 1 that may relate both to the product itself and to its installation into construction works. Thereby, they | <del>3. Harmonised technical specifications</del> <u>The information</u> shall, as appropriate, <del>specify the product information requirements set out in point 1 that may relate both to the product itself and to its installation into construction</del> |                 |

|                                         | Commission Proposal                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                                         | shall take into account the needs of designers, building authorities, construction professionals, building control authorities, consumers and other users, occupants, use managers, and of maintenance professionals. | shall take into account the needs of designers, building authorities, construction professionals, building control authorities, consumers and other users, occupants, use managers, and of maintenance professionals. | <del>works. Thereby, they shall</del> <u>strive to</u> take into account the needs of designers, building authorities, construction professionals, building control authorities, consumers and other users, occupants, use managers, and of maintenance professionals.                                                                              |                 |
| Annex I, point 3a.,                     |                                                                                                                                                                                                                       |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                     |                 |
| 1191a                                   |                                                                                                                                                                                                                       |                                                                                                                                                                                                                       | <u>3a. The Commission may, in accordance with Article 4(2b), request that a European standardisation organisation propose non-binding elements amongst those set out in points 2.1 and 2.2 that might need to be addressed for a certain product family, product category or product type, in order to fulfil the obligations in Article 21(6).</u> |                 |
| Annex I, point 10., second subparagraph |                                                                                                                                                                                                                       |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                     |                 |

|                                                           | Commission Proposal                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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| 1192                                                      | When specifying the product information requirements, harmonised technical specifications shall at least cover the following elements:                                                                                                | When specifying the product information requirements, harmonised technical specifications shall at least cover the following elements:                                                                                                | <i>deleted</i>  |                 |
| <i>Annex I, point 10., second subparagraph, point (a)</i> |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |                 |
| 1193                                                      | (a) address safety and environmental aspects relevant for the respective product category;                                                                                                                                            | (a) address safety and environmental aspects relevant for the respective product category;                                                                                                                                            | <i>deleted</i>  |                 |
| <i>Annex I, point 10., second subparagraph, point (b)</i> |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |                 |
| 1194                                                      | (b) specify where the respective information is to be provided, aiming, by choice of the location, at the utmost likelihood for information not be overlooked. If possible, several of the following places shall be selected: on the | (b) specify where the respective information is to be provided, aiming, by choice of the location, at the utmost likelihood for information not be overlooked. If possible, several of the following places shall be selected: on the | <i>deleted</i>  |                 |

|                                                           | Commission Proposal                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|                                                           | product, on its label, on its packaging, on its outer (sales) packaging, in paper instructions for use, in electronic instructions for use, on the website of the manufacturer or in the product database established in accordance with Article 78;                   | product, on its label, on its packaging, on its outer (sales) packaging, in paper instructions for use, in electronic instructions for use, on the website of the manufacturer or in the product database established in accordance with Article 78;                   |                 |                 |
| <i>Annex I, point 10., second subparagraph, point (c)</i> |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                 |                 |
| 1195                                                      | (c) in cases where information may or shall be provided on the website of the manufacturer or in the product database, the harmonised technical specifications shall require a link to be placed on the product, on its packaging, and on its outer (sales) packaging; | (c) in cases where information may or shall be provided on the website of the manufacturer or in the product database, the harmonised technical specifications shall require a link to be placed on the product, on its packaging, and on its outer (sales) packaging; | <i>deleted</i>  |                 |
| <i>Annex I, point 11.</i>                                 |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                 |                 |
| 1196                                                      | 11. Harmonised technical                                                                                                                                                                                                                                               | 11. Harmonised technical                                                                                                                                                                                                                                               |                 |                 |

|                              | Commission Proposal                                                                                                                                               | EP Mandate                                                                                                                                                        | Council Mandate | Draft Agreement |
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|                              | specifications may permit manufacturers to provide certain information items relevant for Member States, users or occupants, under the condition that:            | specifications may permit manufacturers to provide certain information items relevant for Member States, users or occupants, under the condition that:            | <i>deleted</i>  |                 |
| <i>Annex I, point 11.(a)</i> |                                                                                                                                                                   |                                                                                                                                                                   |                 |                 |
| 1197                         | (a) the respective Member States' regulation is compatible with Union law,                                                                                        | (a) the respective Member States' regulation is compatible with Union law,                                                                                        | <i>deleted</i>  |                 |
| <i>Annex I, point 11.(b)</i> |                                                                                                                                                                   |                                                                                                                                                                   |                 |                 |
| 1198                         | (b) it is made clear that the respective information items permitted by the harmonised technical specifications do not relate to Union law and are not mandatory. | (b) it is made clear that the respective information items permitted by the harmonised technical specifications do not relate to Union law and are not mandatory. | <i>deleted</i>  |                 |

|                            | Commission Proposal                                   | EP Mandate                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| Annex II                   |                                                       |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1199                       | Annex II Declaration of Performance and of Conformity | Annex II Declaration of Performance and of Conformity | <p>Annex II Declaration of Performance and <u>Conformity as referred to in Article 11<sup>1</sup></u></p> <p><u>Model for the declaration of performance and <del>of</del> conformity</u></p> <p>_____</p> <p><u>1. Whenre a Declaration of Performance and Conformity is issued in relation to a product not subject to product requirements specified in accordance with Article 5(1) without parallel issuing of a Declaration of Conformity, the points 12., 12a. and 13c. may be omitted.</u></p> |                 |
| Annex II, first paragraph  |                                                       |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1200                       | Name of the Manufacturer                              | Name of the Manufacturer                              | Name of the Manufacturer                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Annex II, second paragraph |                                                       |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |

|                            | Commission Proposal                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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| 1201                       | <p>Declaration No ...<sup>1</sup></p> <p>_____</p> <p>1. Only one unique, unequivocal declaration number per product type shall be used, even where there are variants, variants being variations of the product type that do not influence performance or conformity of the product.</p> | <p>Declaration No ...<sup>1</sup></p> <p>_____</p> <p>1. Only one unique, unequivocal declaration number per product type shall be used, even where there are variants, variants being variations of the product type that do not influence performance or conformity of the product.</p> | <p>Declaration <del>No</del><u>Code</u> ...<sup>1</sup></p> <p>_____</p> <p>1. Only one unique, unequivocal declaration number per product type shall be used, even where there are variants, variants being variations of the product type that do not influence performance or conformity of the product.</p> |                 |
| Annex II, third paragraph  |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                 |                 |
| 1202                       | <p>Version No ...<sup>1</sup></p> <p>_____</p> <p>1. Different versions may be issued, e.g. to correct mistakes or add complementary information.</p>                                                                                                                                     | <p>Version No ...<sup>1</sup></p> <p>_____</p> <p>1. Different versions may be issued, e.g. to correct mistakes or add complementary information.</p>                                                                                                                                     | <p>Version No ...<sup>1</sup></p> <p>_____</p> <p>1. <u>D</u>ifferent versions may be issued, e.g. to correct mistakes or add complementary information.</p>                                                                                                                                                    |                 |
| Annex II, fourth paragraph |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                 |                 |
| 1203                       |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                 |                 |



|                       | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                       | Draft Agreement |
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|                       | Date of that version ...                                                                                                                                              | Date of that version ...                                                                                                                                              | Date of that version ...                                                                                                                                                                                                              |                 |
| Annex II, point 1.    |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |
| 1204                  | 1. Product description                                                                                                                                                | 1. Product description                                                                                                                                                | 1. Product description                                                                                                                                                                                                                |                 |
| Annex II, point 1.(a) |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |
| 1205                  | (a) unique identification code of the product type, and the ranges of batch numbers and serial numbers covered if already determined for the respective product type; | (a) unique identification code of the product type, and the ranges of batch numbers and serial numbers covered if already determined for the respective product type; | (a) unique identification code of the product type, <del>and the ranges of batch numbers and serial numbers covered if already determined for the respective product type</del> <u>as indicated in accordance with Article 21(5);</u> |                 |
| Annex II, point 1.(b) |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |
| 1206                  |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                       |                 |

|                       | Commission Proposal                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|                       | (b) product category as defined by harmonised technical specifications or European Assessment Documents;                                                                                                                                                                                                | (b) product category as defined by harmonised technical specifications or European Assessment Documents;                                                                                                                                                                                                | (b) product category as defined by harmonised technical specifications or European Assessment Documents;                                                                                                                                                                                                                                                                            |                 |
| Annex II, point 1.(c) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 1207                  | (c) intended uses of the product, necessarily falling under those intended uses for which the applicable harmonised technical specification or European Assessment Document has been developed, with facultative additional information on the intended users, or the conditions for safe and good use; | (c) intended uses of the product, necessarily falling under those intended uses for which the applicable harmonised technical specification or European Assessment Document has been developed, with facultative additional information on the intended users, or the conditions for safe and good use; | (c) <del>intended</del> <u>declared</u> uses of the product, <del>necessarily falling under those intended uses for which</del> <u>within the scope of</u> the applicable harmonised technical specification or European Assessment Document <del>has been developed, with facultative additional information on the intended users, or the conditions for safe and good use;</del> |                 |
| Annex II, point 1.(d) |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 1208                  | (d) dimensions of the product;                                                                                                                                                                                                                                                                          | (d) dimensions of the product;                                                                                                                                                                                                                                                                          | (d) dimensions <u>or grading</u> of the                                                                                                                                                                                                                                                                                                                                             |                 |

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|                       |                                                                              |                                                                              | product, <u>where applicable</u> ;                                           |                 |
| Annex II, point 1.(e) |                                                                              |                                                                              |                                                                              |                 |
| 1209                  | (e) main materials or substances used;                                       | (e) main materials or substances used;                                       | <i>deleted</i>                                                               |                 |
| Annex II, point 1.(f) |                                                                              |                                                                              |                                                                              |                 |
| 1210                  | (f) information to be provided in accordance with Regulation (EC) 1907/2006; | (f) information to be provided in accordance with Regulation (EC) 1907/2006; | (f) information to be provided in accordance with Regulation (EC) 1907/2006; |                 |
| Annex II, point 1.(g) |                                                                              |                                                                              |                                                                              |                 |
| 1211                  | (g) key parts of the product;                                                | (g) key parts of the product;                                                | (g) key parts of the product, <u>including traceability information</u>      |                 |

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|                        |                                                                                                                 |                                                                                                                 | <u>on the key part if it has previously been placed separately on the market, where applicable;</u>                                                                   |                 |
| Annex II, point 1.(h)  |                                                                                                                 |                                                                                                                 |                                                                                                                                                                       |                 |
| 1212                   | (h) estimated average and minimum service life time for the intended use foreseen for the product (durability); | (h) estimated average and minimum service life time for the intended use foreseen for the product (durability); | (h) estimated average and minimum service life <del>time</del> <u>span</u> for the <del>intended use foreseen for the product</del> <u>declared use</u> (durability); |                 |
| Annex II, point 1.(i)  |                                                                                                                 |                                                                                                                 |                                                                                                                                                                       |                 |
| 1213                   | (i) variants, if any, and their descriptions;                                                                   | (i) variants, if any, and their descriptions;                                                                   | (i) variants, if any, and their descriptions;                                                                                                                         |                 |
| Annex II, point 1.(i1) |                                                                                                                 |                                                                                                                 |                                                                                                                                                                       |                 |
| 1213a                  |                                                                                                                 |                                                                                                                 |                                                                                                                                                                       |                 |

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|                       |                                               |                                               | <u>(i1) in cases where the product has been previously installed in a construction work, the date and place of the latest de-installation;</u> |                 |
| Annex II, point 1.(j) |                                               |                                               |                                                                                                                                                |                 |
| 1214                  | (j) information falling under Annex I Part D. | (j) information falling under Annex I Part D. | <i>deleted</i>                                                                                                                                 |                 |
| Annex II, point 2.    |                                               |                                               |                                                                                                                                                |                 |
| 1215                  | 2. Permalinks as regards the following:       | 2. Permalinks as regards the following:       | 2. Permalinks as regards the following:                                                                                                        |                 |
| Annex II, point 2.(a) |                                               |                                               |                                                                                                                                                |                 |
| 1216                  |                                               |                                               |                                                                                                                                                |                 |

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|                       | (a) the manufacturer's products registration(s) in EU databases, and the precise location therein where the product can be found, and to his own product presentation website; | (a) the manufacturer's products registration(s) in EU databases;<br><del>and the precise location therein where the product can be found;</del><br>and to his own product presentation website; | (a) the manufacturer's products registration(s) in EU databases, and the precise location therein where the product can be found, <del>and to his own product presentation website</del> <u>where applicable</u> ; |                 |
| Annex II, point 2.(b) |                                                                                                                                                                                |                                                                                                                                                                                                 |                                                                                                                                                                                                                    |                 |
| 1217                  | (b) any voluntarily or mandatorily used products registration database or website, and the precise location therein where the product can be found;                            | (b) any voluntarily or mandatorily used products registration database or website, and the precise location therein where the product can be found;                                             | <i>deleted</i>                                                                                                                                                                                                     |                 |
| Annex II, point 2.(c) |                                                                                                                                                                                |                                                                                                                                                                                                 |                                                                                                                                                                                                                    |                 |
| 1218                  | (c) instructions for use in accordance with Annex I Part D point 1.3.                                                                                                          | (c) instructions for use in accordance with Annex I Part D point 1.3.                                                                                                                           | <i>deleted</i>                                                                                                                                                                                                     |                 |

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| <i>Annex II, point 3.</i> |                     |                  |                                                                              |                 |
| 1219                      | 3. Manufacturer:    | 3. Manufacturer: | 3. Manufacturer:                                                             |                 |
| Annex II, point 3.(a)     |                     |                  |                                                                              |                 |
| 1220                      | (a) name;           | (a) name;        | (a) name;                                                                    |                 |
| Annex II, point 3.(b)     |                     |                  |                                                                              |                 |
| 1221                      | (b) trade name;     | (b) trade name;  | (b) <u>registered</u> trade name <u>or</u><br><u>registered trade mark</u> ; |                 |
| Annex II, point 3.(c)     |                     |                  |                                                                              |                 |
| 1222                      |                     |                  |                                                                              |                 |

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|                       | (c) place of business; | (c) place of business; | (c) <u>registered</u> place of business; |                 |
| Annex II, point 3.(d) |                        |                        |                                          |                 |
| 1223                  | (d) postal address;    | (d) postal address;    | (d) postal address;                      |                 |
| Annex II, point 3.(e) |                        |                        |                                          |                 |
| 1224                  | (e) telephone;         | (e) telephone;         | <i>deleted</i>                           |                 |
| Annex II, point 3.(f) |                        |                        |                                          |                 |
| 1225                  | (f) email address;     | (f) email address;     | <i>deleted</i>                           |                 |



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| <i>Annex II, point 3.(g)</i> |                                                                                                                             |                                                                                                                             |                 |                 |
| 1226                         | (g) website;                                                                                                                | (g) website;                                                                                                                | <i>deleted</i>  |                 |
| <i>Annex II, point 3.(h)</i> |                                                                                                                             |                                                                                                                             |                 |                 |
| 1227                         | (h) social media contact details;                                                                                           | (h) social media contact details.<br><u>where available;</u>                                                                | <i>deleted</i>  |                 |
| <i>Annex II, point 3.(i)</i> |                                                                                                                             |                                                                                                                             |                 |                 |
| 1228                         | (i) where available, specific contact details for providing information on installation, maintenance, use, de-construction, | (i) where available, specific contact details for providing information on installation, maintenance, use, de-construction, | <i>deleted</i>  |                 |

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|                              | and on the handling of risks or product failure. | and on the handling of risks or product failure. |                                                                    |                 |
| <i>Annex II, point 4.</i>    |                                                  |                                                  |                                                                    |                 |
| 1229                         | 4. Authorised representative:                    | 4. Authorised representative:                    | 4. Authorised representative, <u>where available</u> :             |                 |
| <i>Annex II, point 4.(a)</i> |                                                  |                                                  |                                                                    |                 |
| 1230                         | (a) name;                                        | (a) name;                                        | (a) name;                                                          |                 |
| <i>Annex II, point 4.(b)</i> |                                                  |                                                  |                                                                    |                 |
| 1231                         | (b) trade name;                                  | (b) trade name;                                  | (b) <u>registered</u> trade name <u>or registered trade mark</u> ; |                 |

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| Annex II, point 4.(c) |                        |                        |                                          |                 |
| 1232                  | (c) place of business; | (c) place of business; | (c) <u>registered</u> place of business; |                 |
| Annex II, point 4.(d) |                        |                        |                                          |                 |
| 1233                  | (d) postal address;    | (d) postal address;    | (d) postal address;                      |                 |
| Annex II, point 4.(e) |                        |                        |                                          |                 |
| 1234                  | (e) telephone;         | (e) telephone;         | (e) telephone;                           |                 |
| Annex II, point 4.(f) |                        |                        |                                          |                 |
| 1235                  | (f) email address;     | (f) email address;     | (f) email address;                       |                 |

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|                       |                                                                                                                                                                     |                                                                                                                                                                     |                                       |                 |
| Annex II, point 4.(g) |                                                                                                                                                                     |                                                                                                                                                                     |                                       |                 |
| 1236                  | (g) website;                                                                                                                                                        | (g) website;                                                                                                                                                        | (g) website, <u>where available</u> ; |                 |
| Annex II, point 4.(h) |                                                                                                                                                                     |                                                                                                                                                                     |                                       |                 |
| 1237                  | (h) social media contact details;                                                                                                                                   | (h) social media contact details, <u>where available</u> ;                                                                                                          | <i>deleted</i>                        |                 |
| Annex II, point 4.(i) |                                                                                                                                                                     |                                                                                                                                                                     |                                       |                 |
| 1238                  | (i) where available, specific contact details for information on installation, maintenance, use, deconstruction, on the handling of risks and on actions in case of | (i) where available, specific contact details for information on installation, maintenance, use, deconstruction, on the handling of risks and on actions in case of | <i>deleted</i>                        |                 |

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|                        | product failure.    | product failure.    |                                                              |                 |
| Annex II, point 5.     |                     |                     |                                                              |                 |
| 1239                   | 5. Notified bodies: | 5. Notified bodies: | 5. Notified <u>body or</u> bodies, <u>where applicable</u> : |                 |
| Annex II, point 5.(a)  |                     |                     |                                                              |                 |
| 1240                   | (a) name;           | (a) name;           | (a) name;                                                    |                 |
| Annex II, point 5.(a1) |                     |                     |                                                              |                 |
| 1240a                  |                     |                     | <u>(a1) identification number</u> :                          |                 |
| Annex II, point 5.(b)  |                     |                     |                                                              |                 |

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| 1241                  | (b) trade name;        | (b) trade name;        | (b) <u>registered</u> trade name, <u>where available</u> ; |                 |
| Annex II, point 5.(c) |                        |                        |                                                            |                 |
| 1242                  | (c) place of business; | (c) place of business; | <i>deleted</i>                                             |                 |
| Annex II, point 5.(d) |                        |                        |                                                            |                 |
| 1243                  | (d) postal address;    | (d) postal address;    | <i>deleted</i>                                             |                 |
| Annex II, point 5.(e) |                        |                        |                                                            |                 |

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| 1244                  | (e) telephone;      | (e) telephone;     | <i>deleted</i>  |                 |
| Annex II, point 5.(f) |                     |                    |                 |                 |
| 1245                  | (f) email address;  | (f) email address; | <i>deleted</i>  |                 |
| Annex II, point 5.(g) |                     |                    |                 |                 |
| 1246                  | (g) website;        | (g) website;       | <i>deleted</i>  |                 |
| Annex II, point 5.(h) |                     |                    |                 |                 |

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| 1247                   | (h) social media contact details. | (h) social media contact details.<br><u>where available.</u> | deleted                                                   |                 |
| Annex II, point 6.     |                                   |                                                              |                                                           |                 |
| 1248                   | 6. Technical Assessment Body:     | 6. Technical Assessment Body:                                | 6. Technical Assessment Body.<br><u>where applicable:</u> |                 |
| Annex II, point 6.(a)  |                                   |                                                              |                                                           |                 |
| 1249                   | (a) name;                         | (a) name;                                                    | (a) name;                                                 |                 |
| Annex II, point 6.(a1) |                                   |                                                              |                                                           |                 |
| 1249a                  |                                   |                                                              |                                                           |                 |



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|                       |                        |                        | <u>(a1) identification number;</u>                         |                 |
| Annex II, point 6.(b) |                        |                        |                                                            |                 |
| 1250                  | (b) trade name;        | (b) trade name;        | (b) <u>registered</u> trade name, <u>where available</u> ; |                 |
| Annex II, point 6.(c) |                        |                        |                                                            |                 |
| 1251                  | (c) place of business; | (c) place of business; | <i>deleted</i>                                             |                 |
| Annex II, point 6.(d) |                        |                        |                                                            |                 |
| 1252                  | (d) postal address;    | (d) postal address;    |                                                            |                 |

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|                              |                     |                    | <i>deleted</i>  |                 |
| <i>Annex II, point 6.(e)</i> |                     |                    |                 |                 |
| 1253                         | (e) telephone;      | (e) telephone;     | <i>deleted</i>  |                 |
| <i>Annex II, point 6.(f)</i> |                     |                    |                 |                 |
| 1254                         | (f) email address;  | (f) email address; | <i>deleted</i>  |                 |
| <i>Annex II, point 6.(g)</i> |                     |                    |                 |                 |
| 1255                         | (g) website;        | (g) website;       |                 |                 |

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|                                        |                                                  |                                                           | <i>deleted</i>                                                                                                          |                 |
| Annex II, point 6.(h)                  |                                                  |                                                           |                                                                                                                         |                 |
| 1256                                   | (h) social media contact details.                | (h) social media contact details, <u>where available.</u> | <i>deleted</i>                                                                                                          |                 |
| Annex II, point 7.                     |                                                  |                                                           |                                                                                                                         |                 |
| 1257                                   | 7. Assessment and verification system(s) applied | 7. Assessment and verification system(s) applied          | 7. Assessment and verification system(s) applied <u>and reference to certificate(s) or validation report(s) issued.</u> |                 |
| Annex II, point 8., first subparagraph |                                                  |                                                           |                                                                                                                         |                 |
| 1257a                                  |                                                  |                                                           | <u>8. Technical reference</u>                                                                                           |                 |

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|                                         |                                                 |                                                 | <u>documents:</u>                                                                                                       |                 |
| Annex II, point 8., first subparagraph  |                                                 |                                                 |                                                                                                                         |                 |
| 1258                                    | 8. Harmonised technical specifications applied: | 8. Harmonised technical specifications applied: | <del>8.</del> (a) Harmonised technical specifications <u>laying down essential characteristics</u> applied <del>;</del> |                 |
| Annex II, point 8., second subparagraph |                                                 |                                                 |                                                                                                                         |                 |
| 1259                                    | (reference number and date of issue)            | (reference number and date of issue)            | (reference number and date of issue), <u>or</u>                                                                         |                 |
| Annex II, point 9., first subparagraph  |                                                 |                                                 |                                                                                                                         |                 |
| 1260                                    | 9. European Assessment Document applied:        | 9. European Assessment Document applied:        | <del>9.</del> (b) European Assessment Document applied <del>;</del> <u>(reference number and date of issue) and</u>     |                 |

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|                                          |                                           |                                           | <u>European Technical Assessment issued (technical assessment body, reference number and date of issue)</u> |                 |
| Annex II, point 9., second subparagraph  |                                           |                                           |                                                                                                             |                 |
| 1261                                     | (reference number and date of issue)      | (reference number and date of issue)      | <del>_____</del> (reference number and date of issue) <u>and</u>                                            |                 |
| Annex II, point 10., first subparagraph  |                                           |                                           |                                                                                                             |                 |
| 1262                                     | 10. European Technical Assessment issued: | 10. European Technical Assessment issued: | <del>10.</del> European Technical Assessment issued <del>:</del>                                            |                 |
| Annex II, point 10., second subparagraph |                                           |                                           |                                                                                                             |                 |
| 1263                                     | (technical assessment body,               | (technical assessment body,               | (technical assessment body,                                                                                 |                 |

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|                        | reference number and date of issue)                                                                                                                                                                         | reference number and date of issue)                                                                                                                                                                                                                                                                                                                                                           | reference number and date of issue)                                                                                                                                                                                                    |                 |
| Annex II, point 11.    |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                        |                 |
| 1264                   | 11. Declared performances and sustainability characteristics:                                                                                                                                               | 11. Declared performances and sustainability characteristics:                                                                                                                                                                                                                                                                                                                                 | 11. Declared performances and sustainability characteristics:                                                                                                                                                                          |                 |
| Annex II, point 11.(a) |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                        |                 |
| 1265                   | (a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared. | (a) the list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document for the respective product category for which a performance is declared.<br><u><i>When no performance is declared for one essential characteristic, its name can still be listed and the place where the performance could be given remains empty.</i></u> | (a) the <u>complete</u> list of essential characteristics, as determined in the harmonised technical specification or European Assessment Document <del>for the respective product category for which a performance is declared.</del> |                 |

|                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Annex II, point 11.(b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1266                   | (b) the performance of the product, by calculated values, levels or classes, or in a description. Respective values, levels or classes shall be reproduced in the declaration of performance itself and thus cannot be expressed solely by inserting references to other documents. However, the performance of structural behaviour of a product may be expressed by referring to attached production documentation or structural design calculations. | (b) the performance of the product, by calculated values, levels or classes, or in a description. Respective values, levels or classes shall be reproduced in the declaration of performance itself and thus cannot be expressed solely by inserting references to other documents. However, the performance of structural behaviour of a product may be expressed by referring to attached production documentation or structural design calculations. | (b) the performance of the product, by calculated values, levels or classes, or in a description. Respective values, levels or classes shall be reproduced in the declaration of performance itself and thus cannot be expressed solely by inserting references to other documents. However, the performance of structural behaviour of a product may be expressed by referring to attached production documentation or structural design calculations.<br><u><i>For essential characteristics where no performance is declared, in the place for the declaration of the value NULL shall be inserted.</i></u> |                 |
| Annex II, point 11.(c) |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1267                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |

|                     | Commission Proposal                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|                     | (c) the environmental sustainability data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market or direct installation. | (c) the environmental sustainability data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market or direct installation. | (c) the environmental sustainability <del>data calculated in accordance with Article 22(1), in particular where they fit under the essential characteristics listed in Annex I Part A, point 2, in case the respective rules covering the product category have become applicable at the time of placing on the market or direct</del> <u>installation performance and the version of the software used in accordance with Article 11(2a)</u> . |                 |
| Annex II, point 12. |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| 1268                | <p>12. The product identified above is in conformity with the following requirements of Annex I Part B and C as specified by<sup>1</sup>:</p> <p>_____</p> <p>1. Cite the respective harmonised technical specifications.</p>                                                                                                             | <p>12. The product identified above is in conformity with the following requirements of Annex I Part B and C as specified by<sup>1</sup>:</p> <p>_____</p> <p>1. Cite the respective harmonised technical specifications.</p>                                                                                                             | <p>12. <del>The</del> <u>Applicable</u> product <del>identified above is in conformity with the following requirements of Annex I Part B and C as specified by<sup>1</sup>:</del> <u>requirements as specified by the following harmonised technical specifications adopted in accordance with Article 5<sup>1</sup>:</u></p>                                                                                                                   |                 |



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|                                         |                     |            | <p><u>(reference number and date of issue)</u></p> <p>_____</p> <p>1. Cite the respective harmonised technical specifications.</p>                                                                                                                                                                                                                                                                       |                 |
| Annex II, point 12a.                    |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 1268a                                   |                     |            | <p><u>12a. References to the harmonised standards referred to in Article 5a(1) that have been applied, including the date of the standard, or references to the other technical specifications, including their date, in relation to which conformity is declared. In the event of partial application of harmonised standards, the declaration shall specify the parts which have been applied.</u></p> |                 |
| Annex II, point 13., first subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                          |                 |

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| 1269                                               | 13. Declarations:                                                                                                                                       | 13. Declarations:                                                                                                                                       | 13. Declarations:                                                                                                                                       |                 |
| Annex II, point 13., first subparagraph, point (a) |                                                                                                                                                         |                                                                                                                                                         |                                                                                                                                                         |                 |
| 1270                                               | (a) the performance of the product identified above is in conformity with the set of declared performances under point 11;                              | (a) the performance of the product identified above is in conformity with the set of declared performances under point 11;                              | (a) the performance of the product identified above is in conformity with the set of declared performances under point 11;                              |                 |
| Annex II, point 13., first subparagraph, point (b) |                                                                                                                                                         |                                                                                                                                                         |                                                                                                                                                         |                 |
| 1271                                               | (b) the sustainability data of the product identified above have been correctly calculated on the basis of the product category rules applicable to it; | (b) the sustainability data of the product identified above have been correctly calculated on the basis of the product category rules applicable to it; | (b) the sustainability data of the product identified above have been correctly calculated on the basis of the product category rules applicable to it; |                 |
| Annex II, point 13., first subparagraph, point (c) |                                                                                                                                                         |                                                                                                                                                         |                                                                                                                                                         |                 |

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| 1272                                     | (c) the product identified above is in conformity with the requirements listed under point 12.                                                                                                                                                | (c) the product identified above is in conformity with the requirements listed under point 12.                                                                                                                                                | (c) the product identified above is in conformity with the requirements listed under point 12.                                                                                                                                                |                 |
| Annex II, point 13., second subparagraph |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |                 |
| 1273                                     | Signed for and on behalf of the manufacturer by:                                                                                                                                                                                              | Signed for and on behalf of the manufacturer by:                                                                                                                                                                                              | Signed for and on behalf of the manufacturer by:                                                                                                                                                                                              |                 |
| Annex II, fifth paragraph                |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |                 |
| 1274                                     | <p>[name, function<sup>1</sup>]</p> <p>_____</p> <p>1. The person signing shall be empowered by virtue of national law to represent the manufacturer, be it on the basis of a mandate, be it due to her/his role as legal representative.</p> | <p>[name, function<sup>1</sup>]</p> <p>_____</p> <p>1. The person signing shall be empowered by virtue of national law to represent the manufacturer, be it on the basis of a mandate, be it due to her/his role as legal representative.</p> | <p>[name, function<sup>1</sup>]</p> <p>_____</p> <p>1. The person signing shall be empowered by virtue of national law to represent the manufacturer, be it on the basis of a mandate, be it due to her/his role as legal representative.</p> |                 |

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|                             |                     |                    |                    |                 |
| Annex II, sixth paragraph   |                     |                    |                    |                 |
| 1275                        | At [place]          | At [place]         | At [place]         |                 |
| Annex II, seventh paragraph |                     |                    |                    |                 |
| 1276                        | on [date of issue]  | on [date of issue] | on [date of issue] |                 |
| Annex II, eighth paragraph  |                     |                    |                    |                 |
| 1277                        | [signature]         | [signature]        | [signature]        |                 |
| Annex III                   |                     |                    |                    |                 |
| 1278                        |                     |                    |                    |                 |

|                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                        | Annex III Procedure for adopting a European Assessment Document                                                                                                                                                                                                                                                                                                       | Annex III Procedure <del>for adopting</del> <u>concerning</u> a European <del>Assessment Document</del> <u>Technical Assessment</u>                                                                                                                                                                                                                                   | Annex III Procedure for adopting a European Assessment Document                                                                                                                                                                                                                                                                                                       |                 |
| Annex III, point 1.    |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1279                   | 1. Request for a European Technical Assessment                                                                                                                                                                                                                                                                                                                        | 1. Request for a European Technical Assessment                                                                                                                                                                                                                                                                                                                        | 1. Request for a European Technical Assessment                                                                                                                                                                                                                                                                                                                        |                 |
| Annex III, point 1.(a) |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1280                   | (a) When a manufacturer makes a request for a European Technical Assessment to any TAB for a product, and after the manufacturer and the TAB (hereinafter referred to as the ‘responsible TAB’) have signed an agreement of commercial secrecy and confidentiality, unless the manufacturer decides otherwise, the manufacturer shall submit to the responsible TAB a | (a) When a manufacturer makes a request for a European Technical Assessment to any TAB for a product, and after the manufacturer and the TAB (hereinafter referred to as the ‘responsible TAB’) have signed an agreement of commercial secrecy and confidentiality, unless the manufacturer decides otherwise, the manufacturer shall submit to the responsible TAB a | (a) When a manufacturer makes a request for a European Technical Assessment to any TAB for a product, and after the manufacturer and the TAB (hereinafter referred to as the ‘responsible TAB’) have signed an agreement of commercial secrecy and confidentiality, unless the manufacturer decides otherwise, the manufacturer shall submit to the responsible TAB a |                 |

|                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                        | technical file describing the product, its use as foreseen by the manufacturer and details of the factory production control the manufacturer intends to apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | technical file describing the product, its use as foreseen by the manufacturer and details of the factory production control the manufacturer intends to apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | technical file describing the product, its use as foreseen by the manufacturer and details of the factory production control the manufacturer intends to apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| Annex III, point 1.(b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 1281                   | (b) When a group of manufacturers or a manufacturers' association (hereinafter referred to as the 'Group') makes a request for a European Technical Assessment, it shall address the request to the organisation of TABs that will propose to the Group a TAB to act as the responsible TAB. The Group can either accept the proposed TAB or ask the organisation of TABs to propose an alternative TAB. Once the Group has accepted the responsible TAB proposed by the organisation of TABs, the members of the Group shall sign an agreement of commercial secrecy and confidentiality with this TAB, unless the Group decides otherwise, and the Group shall | (b) When a group of manufacturers or a manufacturers' association (hereinafter referred to as the 'Group') makes a request for a European Technical Assessment, it shall address the request to the organisation of TABs that will propose to the Group a TAB to act as the responsible TAB. The Group can either accept the proposed TAB or ask the organisation of TABs to propose an alternative TAB. Once the Group has accepted the responsible TAB proposed by the organisation of TABs, the members of the Group shall sign an agreement of commercial secrecy and confidentiality with this TAB, unless the Group decides otherwise, and the Group shall | (b) When a group of manufacturers or a manufacturers' association (hereinafter referred to as the 'Group') makes a request for a European Technical Assessment, it shall address the request to the organisation of TABs that will propose to the Group a TAB to act as the responsible TAB. The Group can either accept the proposed TAB or ask the organisation of TABs to propose an alternative TAB. Once the Group has accepted the responsible TAB proposed by the organisation of TABs, the members of the Group shall sign an agreement of commercial secrecy and confidentiality with this TAB, unless the Group decides otherwise, and the Group shall |                 |

|                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                        | submit to the responsible TAB a technical file describing the product, its use as foreseen by the Group and details of the factory production control the members of the Group intend to apply.                                                                                                                                                                                                                                  | submit to the responsible TAB a technical file describing the product, its use as foreseen by the Group and details of the factory production control the members of the Group intend to apply.                                                                                                                                                                                                                                                                                                                 | submit to the responsible TAB a technical file describing the product, its use as foreseen by the Group and details of the factory production control the members of the Group intend to apply.                                                                                                                                                                                                                                                                                                                                      |                 |
| Annex III, point 1.(c) |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| 1282                   | (c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The Commission selects the TAB to act as the responsible TAB, after consulting the organisation of TABs. | (c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The <del>Commission selects the TAB to act as the responsible TAB, after consulting</del> <u>TAB responsible for developing the EAD shall be nominated by</u> the organisation of TABs. | (c) In the absence of a request for a European Technical Assessment, when the Commission initiates the development of a European Assessment Document, it shall deliver to the organisation of TABs a technical file describing the product, its use and details of the factory production control to become applicable. The <u>organisation of TABs shall together with the</u> Commission <u>agree on a</u> <del>selects the</del> TAB to act as the responsible TAB, <del>after consulting the organisation of</del> <u>TABs</u> . |                 |

|                                         | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| Annex III, point 1.(ca)                 |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 1282a                                   |                     | <p><u>(ca) In the absence of a request for a European Technical Assessment, the organisation of TABs may initiate the development of a European Assessment Document. In this case, it shall deliver to the working group responsible for the development of the EAD a technical file describing the product, its use and the details of the factory production control which will be applicable. The TAB responsible for chairing the working group for developing the EAD shall be nominated by the organisation of TABs.</u></p> |                 |                 |
| Annex III, point 2., first subparagraph |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 1283                                    | 2. Contract         | 2. Contract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2. Contract     |                 |



|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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| Annex III, point 2., second subparagraph            |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 1284                                                | For products referred to in Article 37(1)(c), within 1 month from the reception of the technical file, in cases foreseen in points 1(a) and 1(b), a contract shall be concluded respectively between the manufacturer or the Group and the responsible TAB for the production of the European Technical Assessment, specifying the work programme for drawing up the European Assessment Document, including: | For products referred to in Article 37(1)(c), within 1 month from the reception of the technical file, in cases foreseen in points 1(a) and 1(b), a contract shall be concluded respectively between the manufacturer or the Group and the responsible TAB for the production of the European Technical Assessment, specifying the work programme for drawing up the European Assessment Document, including: | For products referred to in Article 37(1)(c), within 1 month from the reception of the technical file, in cases foreseen in points 1(a) and 1(b), a contract shall be concluded respectively between the manufacturer or the Group and the responsible TAB for the production of the European Technical Assessment, specifying the work programme for drawing up the European Assessment Document, including: |                 |
| Annex III, point 2., second subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 1285                                                | (a) the organisation of work within the organisation of TABs,                                                                                                                                                                                                                                                                                                                                                 | (a) the organisation of work within the organisation of TABs,                                                                                                                                                                                                                                                                                                                                                 | (a) the organisation of work within the organisation of TABs,                                                                                                                                                                                                                                                                                                                                                 |                 |
| Annex III, point 2., second subparagraph, point (b) |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                               |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                           | Draft Agreement |
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| 1286                                                | (b) the composition of the workgroup to be established within the organisation of TABs, designated for the product area in question, and                                                                                                                                                  | (b) the composition of the workgroup to be established within the organisation of TABs, designated for the product area in question, and                                                                                                                                                  | (b) the composition of the workgroup to be established within the organisation of TABs, designated for the product <del>area</del> <u>family</u> in question, and                                                                                                                         |                 |
| Annex III, point 2., second subparagraph, point (c) |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                 |
| 1287                                                | (c) the coordination of TABs.                                                                                                                                                                                                                                                             | (c) the coordination of TABs.                                                                                                                                                                                                                                                             | (c) the coordination of TABs.                                                                                                                                                                                                                                                             |                 |
| Annex III, point 2., third subparagraph             |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                           |                 |
| 1288                                                | In the case foreseen in point 1(c), the responsible TAB shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline. After that, the Commission shall have 30 working days to communicate to the | In the case foreseen in point 1(c), the responsible TAB shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline. After that, the Commission shall have 30 working days to communicate to the | In the case foreseen in point 1(c), the responsible TAB shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline. After that, the Commission shall have 30 working days to communicate to the |                 |

|                                          | Commission Proposal                                                                                                                                                                        | EP Mandate                                                                                                  | Council Mandate                                                                                                                                                                            | Draft Agreement |
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|                                          | responsible TAB its observations on it, and the responsible TAB shall amend the work programme accordingly.                                                                                | responsible TAB its observations on it, and the responsible TAB shall amend the work programme accordingly. | responsible TAB its observations on it, and the responsible TAB shall amend the work programme accordingly.                                                                                |                 |
| Annex III, point 3., first subparagraph  |                                                                                                                                                                                            |                                                                                                             |                                                                                                                                                                                            |                 |
| 1289                                     | 3. Work programme                                                                                                                                                                          | <p><i>deleted</i></p> <p><i>Moved to Annex IIIa, point 1</i></p>                                            | 3. <u>Communication of</u> work programme                                                                                                                                                  |                 |
| Annex III, point 3., second subparagraph |                                                                                                                                                                                            |                                                                                                             |                                                                                                                                                                                            |                 |
| 1290                                     | After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment | <i>deleted</i>                                                                                              | After the conclusion of the contract with the manufacturer or the Group, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment |                 |

|                                          | Commission Proposal                                                                                                                                                                                      | EP Mandate                                                | Council Mandate                                                                                                                                                                                          | Draft Agreement |
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|                                          | Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment. | <i>Moved to Annex IIIa, point 1</i>                       | Document, the schedule for its execution and indicating the assessment programme. This communication shall take place within 3 months of the receipt of the request for a European Technical Assessment. |                 |
| Annex III, point 4., first subparagraph  |                                                                                                                                                                                                          |                                                           |                                                                                                                                                                                                          |                 |
| 1291                                     | 4. The draft European Assessment Document                                                                                                                                                                | <i>deleted</i><br><br><i>Moved to Annex IIIa, point 2</i> | 4. The draft European Assessment Document                                                                                                                                                                |                 |
| Annex III, point 4., second subparagraph |                                                                                                                                                                                                          |                                                           |                                                                                                                                                                                                          |                 |
| 1292                                     | The organisation of TABs shall finalise a draft European Assessment Document by means of                                                                                                                 | <i>deleted</i>                                            | The organisation of TABs shall finalise a draft European Assessment Document by means of                                                                                                                 |                 |

|                                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                          | the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c). | Moved to Annex IIIa, point 2                | the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in cases foreseen in points 1(a) and 1(b) or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c). |                 |
| Annex III, point 5., first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                  |                                             |                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 1293                                     | 5. Commission Participation                                                                                                                                                                                                                                                                                                                                                      | deleted<br><br>Moved to Annex IIIa, point 3 | 5. Commission Participation                                                                                                                                                                                                                                                                                                                                                      |                 |
| Annex III, point 5., second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                  |                                             |                                                                                                                                                                                                                                                                                                                                                                                  |                 |

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| 1294                                       | A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document, including merging or splitting thereof. | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 3</p> | A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to abandon or modify the development of a certain European Assessment Document <u>when the development is not in line with this Regulation or in case the approach is not efficient or effective in terms of resources and final applicability. The Commission may request the organisation of TABs at any stage to merge parallel processes for the development of European assessment documents, or to split a single process in two, to increase clarity or ensure efficiency in the development process or in the future application of the assessment document under consideration</u> , <del>including merging or splitting thereof.</del> |                 |
| Annex III, point 5., second subparagraph a |                                                                                                                                                                                                                                                                                                             |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

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| 1294a                                    |                               |                                                                  | <u><i>In case the TABs involved do not agree on a European assessment document within the time limits provided for, the organisation of TABs shall submit the matter to the Commission for appropriate resolution, including through instructions to the organisation of TABs on how to complete its work.</i></u> |                 |
| Annex III, point 6., first subparagraph  |                               |                                                                  |                                                                                                                                                                                                                                                                                                                    |                 |
| 1295                                     | 6. Member States consultation | <p><i>deleted</i></p> <p><i>Moved to Annex IIIa, point 4</i></p> | 6. Member States consultation                                                                                                                                                                                                                                                                                      |                 |
| Annex III, point 6., second subparagraph |                               |                                                                  |                                                                                                                                                                                                                                                                                                                    |                 |

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| 1296                                     | In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution. | <i>deleted</i><br><br>Moved to Annex IIIa, point 4 | In the case foreseen in point 1(c), the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution. |                 |
| Annex III, point 7., first subparagraph  |                                                                                                                                                                                                                                                                             |                                                    |                                                                                                                                                                                                                                                                             |                 |
| 1297                                     | 7. Extension and delay                                                                                                                                                                                                                                                      | <i>deleted</i><br><br>Moved to Annex IIIa, point 5 | 7. Extension and delay                                                                                                                                                                                                                                                      |                 |
| Annex III, point 7., second subparagraph |                                                                                                                                                                                                                                                                             |                                                    |                                                                                                                                                                                                                                                                             |                 |



|                                         | Commission Proposal                                                                                                                                                                                                                                                                                                           | EP Mandate                                                | Council Mandate                                                                                                                                                                                                                                                                                                               | Draft Agreement |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1298                                    | Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.                                                                                                                                                         | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 5</p> | Any delay in relation to the time limits set in points 1 to 4 in this Annex shall be reported by the working group to the organisation of TABs and to the Commission.                                                                                                                                                         |                 |
| Annex III, point 7., third subparagraph |                                                                                                                                                                                                                                                                                                                               |                                                           |                                                                                                                                                                                                                                                                                                                               |                 |
| 1299                                    | If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission. | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 5</p> | If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission. |                 |
| Annex III, point 8., first subparagraph |                                                                                                                                                                                                                                                                                                                               |                                                           |                                                                                                                                                                                                                                                                                                                               |                 |

|                                       | Commission Proposal                                                                                                                                                                                                                                                         | EP Mandate                                                | Council Mandate                                                                                                                                                                                                                                                                                  | Draft Agreement |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1300                                  | 8. Amendments and adoption of a European Assessment Document                                                                                                                                                                                                                | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 6</p> | 8. Amendments and adoption of a <u>draft</u> European Assessment Document                                                                                                                                                                                                                        |                 |
| Annex III, first paragraph            |                                                                                                                                                                                                                                                                             |                                                           |                                                                                                                                                                                                                                                                                                  |                 |
| 1301                                  | 8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organization of TABs shall: | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 6</p> | 8.1. In cases foreseen in points 1.(a) and 1.(b), the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have <del>15</del> <u>20</u> working days to react thereto. Thereafter, the organization of TABs shall: |                 |
| Annex III, first paragraph, point (a) |                                                                                                                                                                                                                                                                             |                                                           |                                                                                                                                                                                                                                                                                                  |                 |

|                                       | Commission Proposal                                                                                             | EP Mandate                                                | Council Mandate                                                                                                 | Draft Agreement |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------|
| 1302                                  | (a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account; | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 6</p> | (a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account; |                 |
| Annex III, first paragraph, point (b) |                                                                                                                 |                                                           |                                                                                                                 |                 |
| 1303                                  | (b) adopt the draft European Assessment Document;                                                               | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 6</p> | (b) adopt the draft European Assessment Document;                                                               |                 |
| Annex III, first paragraph, point (c) |                                                                                                                 |                                                           |                                                                                                                 |                 |
| 1304                                  | (c) send a copy of it to the                                                                                    |                                                           | (c) send a copy of it to the                                                                                    |                 |

|                                        | Commission Proposal                                                  | EP Mandate                                                | Council Mandate                                                      | Draft Agreement |
|----------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|-----------------|
|                                        | Commission.                                                          | <i>deleted</i><br><br><i>Moved to Annex IIIa, point 6</i> | Commission.                                                          |                 |
| Annex III, second paragraph            |                                                                      |                                                           |                                                                      |                 |
| 1305                                   | 8.2. In the case foreseen in point 1.(c), the responsible TAB shall: | <i>deleted</i><br><br><i>Moved to Annex IIIa, point 6</i> | 8.2. In the case foreseen in point 1.(c), the responsible TAB shall: |                 |
| Annex III, second paragraph, point (a) |                                                                      |                                                           |                                                                      |                 |
| 1306                                   | (a) adopt the draft European Assessment Document;                    | <i>deleted</i>                                            | (a) adopt the draft European Assessment Document;                    |                 |

|                                        | Commission Proposal                      | EP Mandate                                  | Council Mandate                                                         | Draft Agreement |
|----------------------------------------|------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------|-----------------|
|                                        |                                          | Moved to Annex IIIa, point 6                |                                                                         |                 |
| Annex III, second paragraph, point (b) |                                          |                                             |                                                                         |                 |
| 1307                                   | (b) send a copy of it to the Commission. | deleted<br><br>Moved to Annex IIIa, point 6 | (b) send a copy of it to the Commission.                                |                 |
| Annex III, point 9.                    |                                          |                                             |                                                                         |                 |
| 1307a                                  |                                          |                                             | <u>8a. Commission assessment of draft European Assessment Documents</u> |                 |
| Annex III, third paragraph             |                                          |                                             |                                                                         |                 |

|                                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1308                                    | <p>If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document in cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.</p> | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 6</p> | <p><del>#</del><u>The Commission shall assess the submitted draft European Assessment Document and</u>, within 30 working days of receipt,<del>the Commission communicates</del> <u>communicate its observations</u> to the organisation of TABs <del>its observations on the draft European Assessment Document.</del> The organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and <del>shall send a copy</del> <u>resend copies</u> of the <u>amended draft-adopted</u> European Assessment Document in <u>accordance with</u><del>-cases foreseen in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission</del> <u>8.1.(b) and (c) and 8.2.(b)</u>.</p> |                 |
| Annex III, point 9., first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 1309                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |

|                                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|                                          | 9. Final European Assessment Document to be published                                                                                                                                                                                                                                                                                                                          | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 7</p> | 9. <u>Adoption of</u> final European Assessment Document <del>to be published</del> <u>and publication</u>                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| Annex III, point 9., second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 1310                                     | The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. The organisation of TABs shall publish the European Assessment Document. | <p><i>deleted</i></p> <p>Moved to Annex IIIa, point 7</p> | <p>The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for <del>the</del> publication of its reference in the <u>Official Journal of the European Union without delay</u> <del>Official Journal of the European Union</del>.</p> <p>The organisation of TABs shall publish the European Assessment Document <u>in one or more</u></p> |                 |

|            | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                       | Draft Agreement |
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|            |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>languages of the Union and, as a minimum, keep it accessible until no European technical assessments based on it remain valid.</u> |                 |
| Annex IIIa |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                       |                 |
| 1310a      |                     | <u>Annex IIIa Procedure for adopting a European Assessment Document</u><br><br><u>1. Work programme</u><br><br><u>In the cases foreseen by points 1(a) and 1(b) of Annex III, after agreement with the manufacturer and the Group respectively, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment programme. This communication shall take place within three months of receipt of the request for a European Technical</u> |                                                                                                                                       |                 |



|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|  |                     | <p><u>Assessment by a TAB, which shall initiate the procedure as laid down in points 1(a) and 1(b) of Annex III.</u></p> <p><u>In the case provided for by point 1(c) of Annex III, the organisation of TABs shall submit to the Commission the work programme for drawing up the European Assessment Document with the same content and within the same deadline as indicated in the previous subparagraph. The Commission shall then communicate to the organisation of TABs within 30 working days its observations on the work programme. The responsible TAB or the organisation of TABs, respectively, after having been given the opportunity to comment, shall amend the work programme accordingly.</u></p> <p><u>In the case foreseen in point 1(d) of Annex III, the organisation of TABs shall inform the Commission of the work programme for drawing up the European Assessment Document and the schedule for its execution, indicating the assessment</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement |
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|  |                     | <p><u>programme.</u></p> <p><u>2. The draft European Assessment Document</u></p> <p><u>The organisation of TABs shall finalise a draft European Assessment Document by means of the working group coordinated by the responsible TAB and shall communicate such draft to the parties concerned within 6 months of the date the Commission was informed of the work programme in the cases foreseen in points 1(a) and 1(b) of Annex III or the date the Commission communicated to the responsible TAB its observations on the work programme in the case foreseen in point 1(c) of Annex III.</u></p> <p><u>3. Commission Participation</u></p> <p><u>A Commission representative may participate, as observer, to all the parts of the execution of the work programme. The Commission may request the organisation of TABs at any stage to modify the development of a certain European Assessment Document, including merging or</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate | Draft Agreement |
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|  |                     | <p><u>splitting thereof.</u></p> <p><u>4. Member States consultation</u></p> <p><u>In the case provided for in point 1(c) of Annex III, the Commission shall inform Member States on the development of the European Assessment Document after the finalisation of the work programme for it. When requested, Member States may participate where appropriate in its execution.</u></p> <p><u>Observations from the Member States shall be communicated to, and dealt with by, the Commission. The organisation of TABs shall be informed by the Commission of any change in the work programme, required and agreed by the Commission, within the time frame given to the Commission for commenting on the work programme before starting the development of the EAD.</u></p> <p><u>5. Extension and delay</u></p> <p><u>Any delay in relation to the time</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate | Draft Agreement |
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|  |                     | <p><u>limits set in point 2 of Annex III or points 1 and 2 of this Annex shall be reported by the working group to the organisation of TABs and to the Commission.</u></p> <p><u>If an extension of the time limits for developing the European Assessment Document can be justified, notably by the absence of a Commission decision on the applicable assessment and verification system for the product or by the need to develop a new test method, an extended time limit shall be set by the Commission.</u></p> <p><u>6. Amendments and adoption of a European Assessment Document</u></p> <p><u>6.1 In the cases provided for in points 1(a) and 1(b) of Annex III, the responsible TAB shall communicate the draft European Assessment Document to the manufacturer or the Group, respectively, who shall have 15 working days to react thereto. Thereafter, the organisation of TABs shall:</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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|  |                     | <p><u>(a) if applicable, inform the manufacturer or the Group as to how their reactions have been taken into account;</u></p> <p><u>(b) adopt the draft European Assessment Document; and</u></p> <p><u>(c) send a copy of it to the Commission.</u></p> <p><u>6.2 In the cases provided for in points 1(c) and 1(d) of Annex III, the responsible TAB shall:</u></p> <p><u>(a) adopt the draft European Assessment Document; and</u></p> <p><u>(b) send a copy of it to the Commission.</u></p> <p><u>If, within 30 working days of receipt, the Commission communicates to the organisation of TABs its observations on the draft European Assessment Document, the organisation of TABs, after having been given the opportunity to comment, shall amend the draft accordingly and shall send a copy of the adopted European Assessment Document</u></p> |                 |                 |

|  | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|  |                     | <p><u>in cases provided for in points 1.(a) and 1.(b) to the manufacturer or the Group, respectively, and in all cases to the Commission.</u></p> <p><u>If no comments are received from the Commission within two months, the European Assessment Document shall be deemed to be accepted by it.</u></p> <p><u>7. Final European Assessment Document to be published</u></p> <p><u>The organisation of TABs shall adopt the final European Assessment Document and shall send a copy thereof to the Commission, together with a translation of its title in all the official languages of the Union, for the publication of its reference in the Official Journal of the European Union. Such publication shall take place within 90 days. The organisation of TABs shall publish the European Assessment Document.</u></p> <p><u>For publishing the reference of an amendment of a European</u></p> |                 |                 |

|                           | Commission Proposal                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                             | Draft Agreement |
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|                           |                                                  | <u>Assessment Document in the Official Journal of the European Union that supersedes the previously cited version of the European Assessment Document, the organisation of TABs shall propose a coexistence period to the Commission. Notifications of notified bodies based on the EAD being referred to as superseded in the Official Journal of the European Union shall not expire and shall remain valid under the conditions of Articles 58 and 59.</u> |                                                                                             |                 |
| Annex IV                  |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                 |
| 1311                      | Annex IV Product areas and requirements for TABs | Annex IV Product areas and requirements for TABs                                                                                                                                                                                                                                                                                                                                                                                                              | Annex IV <del>Product areas and requirements for TABs</del> <u>List of product families</u> |                 |
| Annex IV, first paragraph |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                 |
| 1312                      |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                             |                 |

|                                    | Commission Proposal    | EP Mandate             | Council Mandate      | Draft Agreement |
|------------------------------------|------------------------|------------------------|----------------------|-----------------|
|                                    | Table 1 —Product areas | Table 1 —Product areas | <i>deleted</i>       |                 |
| Annex IV, Table 1, Column 1, Row 1 |                        |                        |                      |                 |
| 1313                               | AREA CODE              | AREA CODE              | <del>AREA</del> CODE |                 |
| Annex IV, Table 1, Column 1, Row 2 |                        |                        |                      |                 |
| 1314                               | 1                      | 1                      | 1                    |                 |
| Annex IV, Table 1, Column 1, Row 3 |                        |                        |                      |                 |
| 1315                               | 2                      | 2                      | 2                    |                 |



|                                    | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| Annex IV, Table 1, Column 1, Row 4 |                     |            |                 |                 |
| 1316                               | 3                   | 3          | 3               |                 |
| Annex IV, Table 1, Column 1, Row 5 |                     |            |                 |                 |
| 1317                               | 4                   | 4          | 4               |                 |
| Annex IV, Table 1, Column 1, Row 6 |                     |            |                 |                 |
| 1318                               | 5                   | 5          | 5               |                 |
| Annex IV, Table 1, Column 1, Row 7 |                     |            |                 |                 |
| 1319                               | 6                   | 6          | 6               |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                     |                     |            |                 |                 |
| Annex IV, Table 1, Column 1, Row 8  |                     |            |                 |                 |
| 1320                                | 7                   | 7          | 7               |                 |
| Annex IV, Table 1, Column 1, Row 9  |                     |            |                 |                 |
| 1321                                | 8                   | 8          | 8               |                 |
| Annex IV, Table 1, Column 1, Row 10 |                     |            |                 |                 |
| 1322                                | 9                   | 9          | 9               |                 |
| Annex IV, Table 1, Column 1, Row 11 |                     |            |                 |                 |
| 1323                                |                     |            |                 |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate                                                    | Draft Agreement |
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|                                     | 10                  | 10         | 10<br><br><u>11</u><br><br><u>12</u><br><br>Two new lines in table |                 |
| Annex IV, Table 1, Column 1, Row 12 |                     |            |                                                                    |                 |
| 1324                                | 11                  | 11         | <del>11</del> <u>13</u>                                            |                 |
| Annex IV, Table 1, Column 1, Row 13 |                     |            |                                                                    |                 |
| 1325                                | 12                  | 12         | <del>12</del> <u>14</u>                                            |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate  | Draft Agreement |
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| Annex IV, Table 1, Column 1, Row 14 |                     |            |                  |                 |
| 1326                                | 13                  | 13         | <del>13</del> 15 |                 |
| Annex IV, Table 1, Column 1, Row 15 |                     |            |                  |                 |
| 1327                                | 14                  | 14         | <del>14</del> 16 |                 |
| Annex IV, Table 1, Column 1, Row 16 |                     |            |                  |                 |
| 1328                                | 15                  | 15         | <del>15</del> 17 |                 |
| Annex IV, Table 1, Column 1, Row 17 |                     |            |                  |                 |
| 1329                                | 16                  | 16         | <del>16</del> 18 |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate         | Draft Agreement |
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|                                     |                     |            |                         |                 |
| Annex IV, Table 1, Column 1, Row 18 |                     |            |                         |                 |
| 1330                                | 17                  | 17         | <del>17</del> <u>19</u> |                 |
| Annex IV, Table 1, Column 1, Row 19 |                     |            |                         |                 |
| 1331                                | 18                  | 18         | <del>18</del> <u>20</u> |                 |
| Annex IV, Table 1, Column 1, Row 20 |                     |            |                         |                 |
| 1332                                | 19                  | 19         | <del>19</del> <u>21</u> |                 |
| Annex IV, Table 1, Column 1, Row 21 |                     |            |                         |                 |
| 1333                                |                     |            |                         |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate         | Draft Agreement |
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|                                     | 20                  | 20         | <del>20</del> <u>22</u> |                 |
| Annex IV, Table 1, Column 1, Row 22 |                     |            |                         |                 |
| 1334                                | 21                  | 21         | <del>21</del> <u>23</u> |                 |
| Annex IV, Table 1, Column 1, Row 23 |                     |            |                         |                 |
| 1335                                | 22                  | 22         | <del>22</del> <u>24</u> |                 |
| Annex IV, Table 1, Column 1, Row 24 |                     |            |                         |                 |
| 1336                                | 23                  | 23         | <del>23</del> <u>25</u> |                 |
| Annex IV, Table 1, Column 1, Row 25 |                     |            |                         |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate                                                   | Draft Agreement |
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| 1337                                | 24                  | 24         | <del>24</del> <u>26</u>                                           |                 |
| Annex IV, Table 1, Column 1, Row 26 |                     |            |                                                                   |                 |
| 1338                                | 25                  | 25         | <del>25</del> <u>27</u>                                           |                 |
| Annex IV, Table 1, Column 1, Row 27 |                     |            |                                                                   |                 |
| 1339                                | 26                  | 26         | <del>26</del> <u>28</u><br><br><u>29</u><br><br>New line in table |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate         | Draft Agreement |
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| Annex IV, Table 1, Column 1, Row 28 |                     |            |                         |                 |
| 1340                                | 27                  | 27         | <del>27</del> <u>30</u> |                 |
| Annex IV, Table 1, Column 1, Row 29 |                     |            |                         |                 |
| 1341                                | 28                  | 28         | <del>28</del> <u>31</u> |                 |
| Annex IV, Table 1, Column 1, Row 30 |                     |            |                         |                 |
| 1342                                | 29                  | 29         | <del>29</del> <u>32</u> |                 |
| Annex IV, Table 1, Column 1, Row 31 |                     |            |                         |                 |
| 1343                                | 30                  | 30         | <del>30</del> <u>33</u> |                 |



|                                     | Commission Proposal | EP Mandate                                    | Council Mandate  | Draft Agreement |
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|                                     |                     |                                               |                  |                 |
| Annex IV, Table 1, Column 1, Row 32 |                     |                                               |                  |                 |
| 1344                                | 31                  | 31                                            | <del>31</del> 34 |                 |
| Annex IV, Table 1, Column 1, Row 33 |                     |                                               |                  |                 |
| 1345                                | 32                  | 32<br><br><u>32a</u><br><br>New line in table | <del>32</del> 35 |                 |
| Annex IV, Table 1, Column 1, Row 34 |                     |                                               |                  |                 |
| 1346                                |                     |                                               |                  |                 |

|                                    | Commission Proposal                                                        | EP Mandate                                                                 | Council Mandate                                                            | Draft Agreement |
|------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------|
|                                    | 33                                                                         | 33                                                                         |                                                                            |                 |
| Annex IV, Table 1, Column 2, Row 1 |                                                                            |                                                                            |                                                                            |                 |
| 1347                               | PRODUCT AREA                                                               | PRODUCT AREA                                                               | PRODUCT <del>AREA</del> <u>FAMILY</u>                                      |                 |
| Annex IV, Table 1, Column 2, Row 2 |                                                                            |                                                                            |                                                                            |                 |
| 1348                               | PRECAST<br>NORMAL/LIGHTWEIGHT/AUT<br>OCLAVED AERATED<br>CONCRETE PRODUCTS. | PRECAST<br>NORMAL/LIGHTWEIGHT/AUT<br>OCLAVED AERATED<br>CONCRETE PRODUCTS. | PRECAST<br>NORMAL/LIGHTWEIGHT/AUT<br>OCLAVED AERATED<br>CONCRETE PRODUCTS. |                 |
| Annex IV, Table 1, Column 2, Row 3 |                                                                            |                                                                            |                                                                            |                 |
| 1349                               | DOORS, WINDOWS,<br>SHUTTERS, GATES AND<br>RELATED BUILDING                 | DOORS, WINDOWS,<br>SHUTTERS, GATES AND<br>RELATED BUILDING                 | DOORS, WINDOWS,<br>SHUTTERS, GATES AND<br>RELATED BUILDING                 |                 |

|                                    | Commission Proposal                                                                   | EP Mandate                                                                            | Council Mandate                                                                       | Draft Agreement |
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|                                    | HARDWARE.                                                                             | HARDWARE.                                                                             | HARDWARE.                                                                             |                 |
| Annex IV, Table 1, Column 2, Row 4 |                                                                                       |                                                                                       |                                                                                       |                 |
| 1350                               | MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL). | MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL). | MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL). |                 |
| Annex IV, Table 1, Column 2, Row 5 |                                                                                       |                                                                                       |                                                                                       |                 |
| 1351                               | THERMAL INSULATION PRODUCTS.<br><br>COMPOSITE INSULATING KITS/SYSTEMS.                | THERMAL INSULATION PRODUCTS.<br><br>COMPOSITE INSULATING KITS/SYSTEMS.                | THERMAL INSULATION PRODUCTS.<br><br>COMPOSITE INSULATING KITS/SYSTEMS.                |                 |
| Annex IV, Table 1, Column 2, Row 6 |                                                                                       |                                                                                       |                                                                                       |                 |

|                                    | Commission Proposal                                     | EP Mandate                                              | Council Mandate                                         | Draft Agreement |
|------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|-----------------|
| 1352                               | STRUCTURAL BEARINGS.<br><br>PINS FOR STRUCTURAL JOINTS. | STRUCTURAL BEARINGS.<br><br>PINS FOR STRUCTURAL JOINTS. | STRUCTURAL BEARINGS.<br><br>PINS FOR STRUCTURAL JOINTS. |                 |
| Annex IV, Table 1, Column 2, Row 7 |                                                         |                                                         |                                                         |                 |
| 1353                               | CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.                  | CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.                  | CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.                  |                 |
| Annex IV, Table 1, Column 2, Row 8 |                                                         |                                                         |                                                         |                 |
| 1354                               | GYPSUM PRODUCTS.                                        | GYPSUM PRODUCTS.                                        | GYPSUM PRODUCTS.                                        |                 |
| Annex IV, Table 1, Column 2, Row 9 |                                                         |                                                         |                                                         |                 |

|                                     | Commission Proposal                                                                                                                                   | EP Mandate                                                                                                                                            | Council Mandate                                                                                                                                       | Draft Agreement |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1355                                | GEOTEXTILES,<br>GEOMEMBRANES, AND<br>RELATED PRODUCTS.                                                                                                | GEOTEXTILES,<br>GEOMEMBRANES, AND<br>RELATED PRODUCTS.                                                                                                | GEOTEXTILES,<br>GEOMEMBRANES, AND<br>RELATED PRODUCTS.                                                                                                |                 |
| Annex IV, Table 1, Column 2, Row 10 |                                                                                                                                                       |                                                                                                                                                       |                                                                                                                                                       |                 |
| 1356                                | CURTAIN<br>WALLING/CLADDING/STRUCT<br>URAL SEALANT GLAZING.                                                                                           | CURTAIN<br>WALLING/CLADDING/STRUCT<br>URAL SEALANT GLAZING.                                                                                           | CURTAIN<br>WALLING/CLADDING/STRUCT<br>URAL SEALANT GLAZING.                                                                                           |                 |
| Annex IV, Table 1, Column 2, Row 11 |                                                                                                                                                       |                                                                                                                                                       |                                                                                                                                                       |                 |
| 1357                                | FIXED FIRE FIGHTING<br>EQUIPMENT (FIRE<br>ALARM/DETECTION, FIXED<br>FIREFIGHTING, FIRE AND<br>SMOKE CONTROL AND<br>EXPLOSION SUPPRESSION<br>PRODUCT). | FIXED FIRE FIGHTING<br>EQUIPMENT (FIRE<br>ALARM/DETECTION, FIXED<br>FIREFIGHTING, FIRE AND<br>SMOKE CONTROL AND<br>EXPLOSION SUPPRESSION<br>PRODUCT). | FIXED FIRE FIGHTING<br>EQUIPMENT (FIRE<br>ALARM/DETECTION, FIXED<br>FIREFIGHTING, FIRE AND<br>SMOKE CONTROL AND<br>EXPLOSION SUPPRESSION<br>PRODUCT). |                 |

|                                     | Commission Proposal                                  | EP Mandate                                           | Council Mandate                                                                                                                                         | Draft Agreement |
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|                                     |                                                      |                                                      | <p><u><a href="#">SANITARY APPLIANCES.</a></u></p> <p><u><a href="#">CIRCULAITON FIXTURES:<br/>ROAD EQUIPMENT</a></u></p> <p>Two new lines in table</p> |                 |
| Annex IV, Table 1, Column 2, Row 12 |                                                      |                                                      |                                                                                                                                                         |                 |
| 1358                                | STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES. | STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES. | STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.                                                                                                    |                 |
| Annex IV, Table 1, Column 2, Row 13 |                                                      |                                                      |                                                                                                                                                         |                 |
| 1359                                | WOOD BASED PANELS AND                                | WOOD BASED PANELS AND                                | WOOD BASED PANELS AND                                                                                                                                   |                 |

|                                     | Commission Proposal                                                                                      | EP Mandate                                                                                               | Council Mandate                                                                                          | Draft Agreement |
|-------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------|
|                                     | ELEMENTS.                                                                                                | ELEMENTS.                                                                                                | ELEMENTS.                                                                                                |                 |
| Annex IV, Table 1, Column 2, Row 14 |                                                                                                          |                                                                                                          |                                                                                                          |                 |
| 1360                                | CEMENT, BUILDING LIMES<br>AND OTHER HYDRAULIC<br>BINDERS.                                                | CEMENT, BUILDING LIMES<br>AND OTHER HYDRAULIC<br>BINDERS.                                                | CEMENT, BUILDING LIMES<br>AND OTHER HYDRAULIC<br>BINDERS.                                                |                 |
| Annex IV, Table 1, Column 2, Row 15 |                                                                                                          |                                                                                                          |                                                                                                          |                 |
| 1361                                | REINFORCING AND<br>PRESTRESSING STEEL FOR<br>CONCRETE (AND<br>ANCILLARIES).<br><br>POST TENSIONING KITS. | REINFORCING AND<br>PRESTRESSING STEEL FOR<br>CONCRETE (AND<br>ANCILLARIES).<br><br>POST TENSIONING KITS. | REINFORCING AND<br>PRESTRESSING STEEL FOR<br>CONCRETE (AND<br>ANCILLARIES).<br><br>POST TENSIONING KITS. |                 |
| Annex IV, Table 1, Column 2, Row 16 |                                                                                                          |                                                                                                          |                                                                                                          |                 |

|                                     | Commission Proposal                                                                  | EP Mandate                                                                           | Council Mandate                                                                      | Draft Agreement |
|-------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------|
| 1362                                | <p>MASONRY AND RELATED PRODUCTS.</p> <p>MASONRY UNITS, MORTARS, AND ANCILLARIES.</p> | <p>MASONRY AND RELATED PRODUCTS.</p> <p>MASONRY UNITS, MORTARS, AND ANCILLARIES.</p> | <p>MASONRY AND RELATED PRODUCTS.</p> <p>MASONRY UNITS, MORTARS, AND ANCILLARIES.</p> |                 |
| Annex IV, Table 1, Column 2, Row 17 |                                                                                      |                                                                                      |                                                                                      |                 |
| 1363                                | <p>WASTE WATER ENGINEERING PRODUCTS.</p>                                             | <p>WASTE WATER ENGINEERING PRODUCTS.</p>                                             | <p>WASTE WATER ENGINEERING PRODUCTS.</p>                                             |                 |
| Annex IV, Table 1, Column 2, Row 18 |                                                                                      |                                                                                      |                                                                                      |                 |
| 1364                                | <p>FLOORINGS.</p>                                                                    | <p>FLOORINGS.</p>                                                                    | <p>FLOORINGS.</p>                                                                    |                 |
| Annex IV, Table 1, Column 2, Row 19 |                                                                                      |                                                                                      |                                                                                      |                 |



|                                     | Commission Proposal                                                                  | EP Mandate                                                                           | Council Mandate                                                                      | Draft Agreement |
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| 1365                                | STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.                                        | STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.                                        | STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.                                        |                 |
| Annex IV, Table 1, Column 2, Row 20 |                                                                                      |                                                                                      |                                                                                      |                 |
| 1366                                | INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.              | INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.              | INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.              |                 |
| Annex IV, Table 1, Column 2, Row 21 |                                                                                      |                                                                                      |                                                                                      |                 |
| 1367                                | ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS.<br><br>ROOF KITS. | ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS.<br><br>ROOF KITS. | ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS.<br><br>ROOF KITS. |                 |

|                                     | Commission Proposal         | EP Mandate                  | Council Mandate             | Draft Agreement |
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|                                     |                             |                             |                             |                 |
| Annex IV, Table 1, Column 2, Row 22 |                             |                             |                             |                 |
| 1368                                | ROAD CONSTRUCTION PRODUCTS. | ROAD CONSTRUCTION PRODUCTS. | ROAD CONSTRUCTION PRODUCTS. |                 |
| Annex IV, Table 1, Column 2, Row 23 |                             |                             |                             |                 |
| 1369                                | AGGREGATES.                 | AGGREGATES.                 | AGGREGATES.                 |                 |
| Annex IV, Table 1, Column 2, Row 24 |                             |                             |                             |                 |
| 1370                                | CONSTRUCTION ADHESIVES.     | CONSTRUCTION ADHESIVES.     | CONSTRUCTION ADHESIVES.     |                 |
| Annex IV, Table 1, Column 2, Row 25 |                             |                             |                             |                 |

|                                     | Commission Proposal                                                                   | EP Mandate                                                                            | Council Mandate                                                                                                                                                 | Draft Agreement |
|-------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1371                                | PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.                                       | PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.                                       | PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.                                                                                                                 |                 |
| Annex IV, Table 1, Column 2, Row 26 |                                                                                       |                                                                                       |                                                                                                                                                                 |                 |
| 1372                                | SPACE HEATING APPLIANCES.                                                             | SPACE HEATING APPLIANCES.                                                             | SPACE HEATING APPLIANCES.                                                                                                                                       |                 |
| Annex IV, Table 1, Column 2, Row 27 |                                                                                       |                                                                                       |                                                                                                                                                                 |                 |
| 1373                                | PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION. | PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION. | PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.<br><br><u><a href="#">CONSTRUCTION PRODUCTS IN CONTACT WITH WATER</a></u> |                 |

|                                     | Commission Proposal                                  | EP Mandate                                           | Council Mandate                                                        | Draft Agreement |
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|                                     |                                                      |                                                      | <u><i>INTENDED FOR HUMAN CONSUMPTION.</i></u><br><br>New line in table |                 |
| Annex IV, Table 1, Column 2, Row 28 |                                                      |                                                      |                                                                        |                 |
| 1374                                | FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS. | FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS. | FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.                   |                 |
| Annex IV, Table 1, Column 2, Row 29 |                                                      |                                                      |                                                                        |                 |
| 1375                                | POWER, CONTROL AND COMMUNICATION CABLES.             | POWER, CONTROL AND COMMUNICATION CABLES.             | POWER, CONTROL AND COMMUNICATION CABLES.                               |                 |
| Annex IV, Table 1, Column 2, Row 30 |                                                      |                                                      |                                                                        |                 |

|                                     | Commission Proposal                               | EP Mandate                                        | Council Mandate                                   | Draft Agreement |
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| 1376                                | SEALANTS FOR JOINTS.                              | SEALANTS FOR JOINTS.                              | SEALANTS FOR JOINTS.                              |                 |
| Annex IV, Table 1, Column 2, Row 31 |                                                   |                                                   |                                                   |                 |
| 1377                                | FIXINGS.                                          | FIXINGS.                                          | FIXINGS.                                          |                 |
| Annex IV, Table 1, Column 2, Row 32 |                                                   |                                                   |                                                   |                 |
| 1378                                | BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS. | BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS. | BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS. |                 |
| Annex IV, Table 1, Column 2, Row 33 |                                                   |                                                   |                                                   |                 |
| 1379                                | FIRE STOPPING, FIRE                               | FIRE STOPPING, FIRE                               | FIRE STOPPING, FIRE                               |                 |

|                                     | Commission Proposal                                                   | EP Mandate                                                                                                                    | Council Mandate                                                       | Draft Agreement |
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|                                     | SEALING AND FIRE PROTECTIVE PRODUCTS.<br><br>FIRE RETARDANT PRODUCTS. | SEALING AND FIRE PROTECTIVE PRODUCTS.<br><br>FIRE RETARDANT PRODUCTS.<br><br><u>ATTACHED LADDERS</u><br><br>New line in table | SEALING AND FIRE PROTECTIVE PRODUCTS.<br><br>FIRE RETARDANT PRODUCTS. |                 |
| Annex IV, Table 1, Column 2, Row 34 |                                                                       |                                                                                                                               |                                                                       |                 |
| 1380                                | CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.        | CONSTRUCTION PRODUCTS NOT INCLUDED IN THE PRODUCT AREAS ABOVE.                                                                |                                                                       |                 |
| Annex IV, second paragraph          |                                                                       |                                                                                                                               |                                                                       |                 |
| 1381                                | Table 2 - Requirements for TABs                                       | Table 2 - Requirements for TABs                                                                                               | <del>Table 2</del> <u>ANNEX IVa</u>                                   |                 |

|                                                     | Commission Proposal                                                | EP Mandate                                                         | Council Mandate                                                    | Draft Agreement |
|-----------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|-----------------|
|                                                     |                                                                    |                                                                    | Requirements for TABs                                              |                 |
| Annex IV, third paragraph                           |                                                                    |                                                                    |                                                                    |                 |
| 1382                                                | TABs shall be able to fulfil the following tasks and requirements: | TABs shall be able to fulfil the following tasks and requirements: | TABs shall be able to fulfil the following tasks and requirements: |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 1 |                                                                    |                                                                    |                                                                    |                 |
| 1383                                                | Competence                                                         | Competence                                                         | Competence                                                         |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2 |                                                                    |                                                                    |                                                                    |                 |
| 1384                                                | 1.                                                                 | 1.                                                                 | 1.                                                                 |                 |

|                                                     | Commission Proposal | EP Mandate      | Council Mandate | Draft Agreement |
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|                                                     | Analysing risks     | Analysing risks | Analysing risks |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 3 |                     |                 |                 |                 |
| 1385                                                | 1.                  | 1.              | 1.              |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 4 |                     |                 |                 |                 |
| 1386                                                | (a)                 | (a)             | (a)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 5 |                     |                 |                 |                 |
| 1387                                                | (b)                 | (b)             | (b)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 6 |                     |                 |                 |                 |



|                                                     | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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| 1388                                                | (c)                 | (c)        | (c)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 7 |                     |            |                 |                 |
| 1389                                                | (d)                 | (d)        | (d)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 8 |                     |            |                 |                 |
| 1390                                                | (e)<br>(f)          | (e)<br>(f) | (e)<br>(f)      |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 9 |                     |            |                 |                 |
| 1391                                                |                     |            |                 |                 |

|                                                      | Commission Proposal             | EP Mandate                      | Council Mandate                 | Draft Agreement |
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|                                                      | (g)                             | (g)                             | (g)                             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 10 |                                 |                                 |                                 |                 |
| 1392                                                 | 2<br>Setting technical criteria | 2<br>Setting technical criteria | 2<br>Setting technical criteria |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 11 |                                 |                                 |                                 |                 |
| 1393                                                 | 2                               | 2                               | 2                               |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 12 |                                 |                                 |                                 |                 |
| 1394                                                 |                                 |                                 |                                 |                 |

|                                                      | Commission Proposal                                          | EP Mandate                                                   | Council Mandate                                              | Draft Agreement |
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|                                                      | 3.<br>Setting assessment methods                             | 3.<br>Setting assessment methods                             | 3.<br>Setting assessment methods                             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 13 |                                                              |                                                              |                                                              |                 |
| 1395                                                 | 3.                                                           | 3.                                                           | 3.                                                           |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 14 |                                                              |                                                              |                                                              |                 |
| 1396                                                 | 4.<br>Determining the specific factory<br>production control | 4.<br>Determining the specific factory<br>production control | 4.<br>Determining the specific factory<br>production control |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 15 |                                                              |                                                              |                                                              |                 |

|                                                      | Commission Proposal         | EP Mandate                  | Council Mandate             | Draft Agreement |
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| 1397                                                 | 4.                          | 4.                          | 4.                          |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 16 |                             |                             |                             |                 |
| 1398                                                 | 5.<br>Assessing the product | 5.<br>Assessing the product | 5.<br>Assessing the product |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 17 |                             |                             |                             |                 |
| 1399                                                 | 5.                          | 5.                          | 5.                          |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                             |                             |                             |                 |
| 1400                                                 |                             |                             |                             |                 |

|                                                      | Commission Proposal      | EP Mandate               | Council Mandate          | Draft Agreement |
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|                                                      | 6.<br>General management | 6.<br>General management | 6.<br>General management |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 19 |                          |                          |                          |                 |
| 1401                                                 | 6.                       | 6.                       | 6.                       |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 20 |                          |                          |                          |                 |
| 1402                                                 | (a)                      | (a)                      | (a)                      |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 21 |                          |                          |                          |                 |
| 1403                                                 | (b)                      | (b)                      | (b)                      |                 |

|                                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                                      |                     |            |                 |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 22 |                     |            |                 |                 |
| 1404                                                 | (c)                 | (c)        | (c)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 23 |                     |            |                 |                 |
| 1405                                                 | (d)                 | (d)        | (d)             |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 24 |                     |            |                 |                 |
| 1406                                                 | (e)                 | (e)        | (e)             |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 1  |                     |            |                 |                 |
| 1407                                                 |                     |            |                 |                 |

|                                                     | Commission Proposal                        | EP Mandate                                 | Council Mandate                            | Draft Agreement |
|-----------------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------|-----------------|
|                                                     | Description of tasks                       | Description of tasks                       | Description of tasks                       |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2 |                                            |                                            |                                            |                 |
| 1408                                                | 1.                                         | 1.                                         | 1.                                         |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 3 |                                            |                                            |                                            |                 |
| 1409                                                | Analysing risks                            | Analysing risks                            | Analysing risks                            |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 4 |                                            |                                            |                                            |                 |
| 1410                                                | objectivity and sound technical judgement; | objectivity and sound technical judgement; | objectivity and sound technical judgement; |                 |

|                                                      | Commission Proposal                                                                                                                                                                      | EP Mandate                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 2, Row 6  |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                 |
| 1411                                                 | general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated;                                              | general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated;                                              | general understanding of construction practice and detailed technical knowledge, concerning product <del>areas</del> <u>families</u> for which it is to be designated;                                                         |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 8  |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                 |
| 1412                                                 | <p>detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated;</p> <p>detailed knowledge of this Regulation;</p> | <p>detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated;</p> <p>detailed knowledge of this Regulation;</p> | <p>detailed knowledge of the existing harmonised standards and test methods within the product <del>areas</del> <u>families</u> for which it is to be designated;</p> <p><del>detailed knowledge of this Regulation;</del></p> |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 10 |                                                                                                                                                                                          |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                 |



|                                                      | Commission Proposal        | EP Mandate                 | Council Mandate            | Draft Agreement |
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| 1413                                                 | 2                          | 2                          | 2                          |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 11 |                            |                            |                            |                 |
| 1414                                                 | Setting technical criteria | Setting technical criteria | Setting technical criteria |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 12 |                            |                            |                            |                 |
| 1415                                                 | 3.                         | 3.                         | 3.                         |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 13 |                            |                            |                            |                 |
| 1416                                                 | Setting assessment methods | Setting assessment methods | Setting assessment methods |                 |

|                                                      | Commission Proposal                                 | EP Mandate                                          | Council Mandate                                     | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 1, Row 14 |                                                     |                                                     |                                                     |                 |
| 1417                                                 | 4.                                                  | 4.                                                  | 4.                                                  |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 15 |                                                     |                                                     |                                                     |                 |
| 1418                                                 | Determining the specific factory production control | Determining the specific factory production control | Determining the specific factory production control |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 16 |                                                     |                                                     |                                                     |                 |
| 1419                                                 | 5.                                                  | 5.                                                  | 5.                                                  |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 17 |                                                     |                                                     |                                                     |                 |
| 1420                                                 |                                                     |                                                     |                                                     |                 |

|                                                      | Commission Proposal                                          | EP Mandate                                                   | Council Mandate                                              | Draft Agreement |
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|                                                      | Assessing the product                                        | Assessing the product                                        | Assessing the product                                        |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                              |                                                              |                                                              |                 |
| 1421                                                 | 6.                                                           | 6.                                                           | 6.                                                           |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 19 |                                                              |                                                              |                                                              |                 |
| 1422                                                 | General management                                           | General management                                           | General management                                           |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 20 |                                                              |                                                              |                                                              |                 |
| 1423                                                 | a proven record of respect of good administrative behaviour; | a proven record of respect of good administrative behaviour; | a proven record of respect of good administrative behaviour; |                 |

|                                                      | Commission Proposal                                                                                                              | EP Mandate                                                                                                                       | Council Mandate                                                                                                                  | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 2, Row 22 |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1424                                                 | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 24 |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1425                                                 | a procedure to manage objectively appeals and complaints.                                                                        | a procedure to manage objectively appeals and complaints.                                                                        | a procedure to manage objectively appeals and complaints.                                                                        |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 1  |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1426                                                 | Requirement                                                                                                                      | Requirement                                                                                                                      | Requirement                                                                                                                      |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 2  |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |

|                                                     | Commission Proposal                                                                                                                                                                     | EP Mandate                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                    | Draft Agreement |
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| 1427                                                | Analysing risks                                                                                                                                                                         | Analysing risks                                                                                                                                                                         | Analysing risks                                                                                                                                                                                                    |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 5 |                                                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                                                    |                 |
| 1428                                                | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be designated; | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be designated; | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product <del>areas</del> <u>families</u> for which it is to be designated; |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 7 |                                                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                                                    |                 |
| 1429                                                | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                                                                    | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                                                                    | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                                                                                               |                 |

|                                                      | Commission Proposal                                 | EP Mandate                                          | Council Mandate                                     | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 2, Row 10 |                                                     |                                                     |                                                     |                 |
| 1430                                                 | Setting technical criteria                          | Setting technical criteria                          | Setting technical criteria                          |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 12 |                                                     |                                                     |                                                     |                 |
| 1431                                                 | Setting assessment methods                          | Setting assessment methods                          | Setting assessment methods                          |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 14 |                                                     |                                                     |                                                     |                 |
| 1432                                                 | Determining the specific factory production control | Determining the specific factory production control | Determining the specific factory production control |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 16 |                                                     |                                                     |                                                     |                 |
| 1433                                                 |                                                     |                                                     |                                                     |                 |

|                                                      | Commission Proposal                                                                                                                           | EP Mandate                                                                                                                                    | Council Mandate                                                                                                                               | Draft Agreement |
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|                                                      | Assessing the product                                                                                                                         | Assessing the product                                                                                                                         | Assessing the product                                                                                                                         |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 18 |                                                                                                                                               |                                                                                                                                               |                                                                                                                                               |                 |
| 1434                                                 | General management                                                                                                                            | General management                                                                                                                            | General management                                                                                                                            |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 21 |                                                                                                                                               |                                                                                                                                               |                                                                                                                                               |                 |
| 1435                                                 | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners; | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners; | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners; |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 23 |                                                                                                                                               |                                                                                                                                               |                                                                                                                                               |                 |
| 1436                                                 | a mechanism for internal audit and management review to ensure the                                                                            | a mechanism for internal audit and management review to ensure the                                                                            | a mechanism for internal audit and management review to ensure the                                                                            |                 |

|                                                      | Commission Proposal                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                | Draft Agreement |
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|                                                      | regular monitoring of the compliance with appropriate management methods;                                                                                                                                      | regular monitoring of the compliance with appropriate management methods;                                                                                                                                      | regular monitoring of the compliance with appropriate management methods;                                                                                                                                      |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 2  |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                 |
| 1437                                                 | Identify the possible risks and benefits for the use of innovative products in the absence of established/consolidated technical information regarding their performance when installed in construction works. | Identify the possible risks and benefits for the use of innovative products in the absence of established/consolidated technical information regarding their performance when installed in construction works. | Identify the possible risks and benefits for the use of innovative products in the absence of established/consolidated technical information regarding their performance when installed in construction works. |                 |
| Annex IV, third paragraph, Table 2, Column 4, Row 9  |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                 |
| 1438                                                 | appropriate linguistic skills.                                                                                                                                                                                 | appropriate linguistic skills.                                                                                                                                                                                 | appropriate linguistic skills.                                                                                                                                                                                 |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 10 |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                                                                                                                                                                                                                |                 |



|                                                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement |
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| 1439                                                 | <p>Transform the outcome of the risk analysis into technical criteria for evaluating behaviour and performance of the products regarding the fulfilment of applicable national requirements;</p> <p>provide the technical information needed by those participating in the building process as potential users of the products (manufacturers, designers, contractors, installers).</p> | <p>Transform the outcome of the risk analysis into technical criteria for evaluating behaviour and performance of the products regarding the fulfilment of applicable national requirements;</p> <p>provide the technical information needed by those participating in the building process as potential users of the products (manufacturers, designers, contractors, installers).</p> | <p>Transform the outcome of the risk analysis into technical criteria for evaluating behaviour and performance of the products regarding the fulfilment of applicable national requirements;</p> <p>provide the technical information needed by those participating in the building process as potential users of the products (manufacturers, designers, contractors, installers).</p> |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 12 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 1440                                                 | <p>Design and validate appropriate methods (tests or calculations) to assess performance for essential characteristics of products, taking into account the current state of the article.</p>                                                                                                                                                                                           | <p>Design and validate appropriate methods (tests or calculations) to assess performance for essential characteristics of products, taking into account the current state of the article.</p>                                                                                                                                                                                           | <p>Design and validate appropriate methods (tests or calculations) to assess performance for essential characteristics of products, taking into account the current state of the article.</p>                                                                                                                                                                                           |                 |

|                                                      | Commission Proposal                                                                                                                                                                     | EP Mandate                                                                                                                                                                              | Council Mandate                                                                                                                                                                         | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 2, Row 14 |                                                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                         |                 |
| 1441                                                 | Understand and evaluate the manufacturing process of the specific product in order to identify appropriate measures ensuring product constancy through the given manufacturing process. | Understand and evaluate the manufacturing process of the specific product in order to identify appropriate measures ensuring product constancy through the given manufacturing process. | Understand and evaluate the manufacturing process of the specific product in order to identify appropriate measures ensuring product constancy through the given manufacturing process. |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 16 |                                                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                         |                 |
| 1442                                                 | Assess the performance for essential characteristics of products on the basis of harmonised methods against harmonised criteria.                                                        | Assess the performance for essential characteristics of products on the basis of harmonised methods against harmonised criteria.                                                        | Assess the performance for essential characteristics of products on the basis of harmonised methods against harmonised criteria.                                                        |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 18 |                                                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                         |                 |
| 1443                                                 | Ensure consistency, reliability, objectivity and traceability through                                                                                                                   | Ensure consistency, reliability, objectivity and traceability through                                                                                                                   | Ensure consistency, reliability, objectivity and traceability through                                                                                                                   |                 |

|                                                     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement |
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|                                                     | the constant application of appropriate management methods.                                                                                                                                                                                                                                                                                                                                                                                                      | the constant application of appropriate management methods.                                                                                                                                                                                                                                                                                                                                                                                                      | the constant application of appropriate management methods.                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 2 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| 1444                                                | <p>A TAB shall be established under national law and have legal personality. It shall be independent from the stakeholders and from any particular interests.</p> <p>A TAB shall have staff with:</p> <p>(a)</p> <p>objectivity and sound technical judgement;</p> <p>(b)</p> <p>detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be</p> | <p>A TAB shall be established under national law and have legal personality. It shall be independent from the stakeholders and from any particular interests.</p> <p>A TAB shall have staff with:</p> <p>(a)</p> <p>objectivity and sound technical judgement;</p> <p>(b)</p> <p>detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be</p> | <p>A TAB shall be established under national law and have legal personality. It shall be independent from the stakeholders and from any particular interests.</p> <p>A TAB shall have staff with:</p> <p>(a)</p> <p>objectivity and sound technical judgement;</p> <p>(b)</p> <p>detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product <del>areas</del><u>families</u> for which it is to be</p> |                 |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|  | <p>designated;</p> <p>(c)</p> <p>general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated;</p> <p>(d)</p> <p>detailed knowledge of specific risks involved and the technical aspects of the construction process;</p> <p>(e)</p> <p>(f)</p> <p>detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated;</p> <p>detailed knowledge of this Regulation;</p> <p>(g)</p> <p>appropriate linguistic skills.</p> <p>The remuneration of the TAB</p> | <p>designated;</p> <p>(c)</p> <p>general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated;</p> <p>(d)</p> <p>detailed knowledge of specific risks involved and the technical aspects of the construction process;</p> <p>(e)</p> <p>(f)</p> <p>detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated;</p> <p>detailed knowledge of this Regulation;</p> <p>(g)</p> <p>appropriate linguistic skills.</p> <p>The remuneration of the TAB</p> | <p>designated;</p> <p>(c)</p> <p>general understanding of construction practice and detailed technical knowledge, concerning product <del>areas</del><u>families</u> for which it is to be designated;</p> <p>(d)</p> <p>detailed knowledge of specific risks involved and the technical aspects of the construction process;</p> <p>(e)</p> <p><del>ff</del></p> <p><u>d</u>etailed knowledge of the existing harmonised standards and test methods within <del>the</del> product <del>areas</del><u>families</u> for which it is to be designated;</p> <p><u>f</u></p> <p>detailed knowledge of this Regulation;</p> <p>(g)</p> |                 |

|                                                      | Commission Proposal                                                                                                                                                          | EP Mandate                                                                                                                                                                   | Council Mandate                                                                                                                                                                  | Draft Agreement |
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|                                                      | personnel shall not depend on the number of the assessments carried out or on the results of such assessments.                                                               | personnel shall not depend on the number of the assessments carried out or on the results of such assessments.                                                               | appropriate linguistic skills.<br><br>The remuneration of the TAB personnel shall not depend on the number of the assessments carried out or on the results of such assessments. |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 14 |                                                                                                                                                                              |                                                                                                                                                                              |                                                                                                                                                                                  |                 |
| 1445                                                 | A TAB shall have staff with appropriate knowledge of the relationship between the manufacturing processes and product characteristics related to factory production control. | A TAB shall have staff with appropriate knowledge of the relationship between the manufacturing processes and product characteristics related to factory production control. | A TAB shall have staff with appropriate knowledge of the relationship between the manufacturing processes and product characteristics related to factory production control.     |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 16 |                                                                                                                                                                              |                                                                                                                                                                              |                                                                                                                                                                                  |                 |
| 1446                                                 | In addition to the requirements listed in points 1, 2 and 3, a TAB shall have access to the necessary means and equipment for the                                            | In addition to the requirements listed in points 1, 2 and 3, a TAB shall have access to the necessary means and equipment for the                                            | In addition to the requirements listed in points 1, 2 and 3, a TAB shall have access to the necessary means and equipment for the                                                |                 |

|                                                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                           | Draft Agreement |
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|                                                      | assessment of the performance for essential characteristics of products within the product areas for which it is to be designated.                                                                                                                                                                                                                        | assessment of the performance for essential characteristics of products within the product areas for which it is to be designated.                                                                                                                                                                                                                        | assessment of the performance for essential characteristics of products within the product <del>areas</del> <u>families</u> for which it is to be designated.                                                                                                                                                                                             |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 18 |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                           |                 |
| 1447                                                 | <p>A TAB shall have:</p> <p>(a)</p> <p>a proven record of respect of good administrative behaviour;</p> <p>(b)</p> <p>a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;</p> <p>(c)</p> <p>a document control system to ensure registration, traceability,</p> | <p>A TAB shall have:</p> <p>(a)</p> <p>a proven record of respect of good administrative behaviour;</p> <p>(b)</p> <p>a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;</p> <p>(c)</p> <p>a document control system to ensure registration, traceability,</p> | <p>A TAB shall have:</p> <p>(a)</p> <p>a proven record of respect of good administrative behaviour;</p> <p>(b)</p> <p>a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;</p> <p>(c)</p> <p>a document control system to ensure registration, traceability,</p> |                 |

|                                                      | Commission Proposal                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                                      | <p>maintenance, protection and archiving of all relevant documents;</p> <p>(d)</p> <p>a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate management methods;</p> <p>(e)</p> <p>a procedure to manage objectively appeals and complaints.</p> | <p>maintenance, protection and archiving of all relevant documents;</p> <p>(d)</p> <p>a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate management methods;</p> <p>(e)</p> <p>a procedure to manage objectively appeals and complaints.</p> | <p>maintenance, protection and archiving of all relevant documents;</p> <p>(d)</p> <p>a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate management methods;</p> <p>(e)</p> <p>a procedure to manage objectively appeals and complaints.</p> |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2  |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                 |
| 1448                                                 | (a)                                                                                                                                                                                                                                                                                                                | (a)                                                                                                                                                                                                                                                                                                                | (a)                                                                                                                                                                                                                                                                                                                |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                 |
| 1449                                                 |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                    |                 |

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|                                                      | (a)                                                          | (a)                                                          | (a)                                                          |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 2  |                                                              |                                                              |                                                              |                 |
| 1450                                                 | objectivity and sound technical judgement;                   | objectivity and sound technical judgement;                   | objectivity and sound technical judgement;                   |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 18 |                                                              |                                                              |                                                              |                 |
| 1451                                                 | a proven record of respect of good administrative behaviour; | a proven record of respect of good administrative behaviour; | a proven record of respect of good administrative behaviour; |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                              |                                                              |                                                              |                 |
| 1452                                                 | (b)                                                          | (b)                                                          | (b)                                                          |                 |



|                                                      | Commission Proposal                                                                                                                                                         | EP Mandate                                                                                                                                                                  | Council Mandate                                                                                                                                                             | Draft Agreement |
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| Annex IV, third paragraph, Table 2, Column 1, Row 2  |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                             |                 |
| 1453                                                 | (b)                                                                                                                                                                         | (b)                                                                                                                                                                         | (b)                                                                                                                                                                         |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 18 |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                             |                 |
| 1454                                                 | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;                               | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;                               | a policy and the supporting procedures to ensure confidentiality and protection of sensitive information within the TAB and all its partners;                               |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 2  |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                             |                 |
| 1455                                                 | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be | detailed knowledge of the regulatory provisions and other requirements in force in the Member States where it is designated, concerning product areas for which it is to be |                 |

|                                                      | Commission Proposal                                                                                                              | EP Mandate                                                                                                                       | Council Mandate                                                                                                                  | Draft Agreement |
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|                                                      | designated;                                                                                                                      | designated;                                                                                                                      | designated;                                                                                                                      |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1456                                                 | (c)                                                                                                                              | (c)                                                                                                                              | (c)                                                                                                                              |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 18 |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1457                                                 | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; | a document control system to ensure registration, traceability, maintenance, protection and archiving of all relevant documents; |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2  |                                                                                                                                  |                                                                                                                                  |                                                                                                                                  |                 |
| 1458                                                 | (c)                                                                                                                              | (c)                                                                                                                              | (c)                                                                                                                              |                 |

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| Annex IV, third paragraph, Table 2, Column 2, Row 2  |                                                                                                                                             |                                                                                                                                             |                                                                                                                                             |                 |
| 1459                                                 | general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated; | general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated; | general understanding of construction practice and detailed technical knowledge, concerning product areas for which it is to be designated; |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                                                                                                             |                                                                                                                                             |                                                                                                                                             |                 |
| 1460                                                 | (d)                                                                                                                                         | (d)                                                                                                                                         | (d)                                                                                                                                         |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 18 |                                                                                                                                             |                                                                                                                                             |                                                                                                                                             |                 |
| 1461                                                 | a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate                    | a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate                    | a mechanism for internal audit and management review to ensure the regular monitoring of the compliance with appropriate                    |                 |

|                                                      | Commission Proposal                                       | EP Mandate                                                | Council Mandate                                           | Draft Agreement |
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|                                                      | management methods;                                       | management methods;                                       | management methods;                                       |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2  |                                                           |                                                           |                                                           |                 |
| 1462                                                 | (d)                                                       | (d)                                                       | (d)                                                       |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 18 |                                                           |                                                           |                                                           |                 |
| 1463                                                 | (e)                                                       | (e)                                                       | (e)                                                       |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 18 |                                                           |                                                           |                                                           |                 |
| 1464                                                 | a procedure to manage objectively appeals and complaints. | a procedure to manage objectively appeals and complaints. | a procedure to manage objectively appeals and complaints. |                 |
| Annex IV, third paragraph, Table 2, Column 3, Row 2  |                                                           |                                                           |                                                           |                 |

|                                                     | Commission Proposal                                                                                                                 | EP Mandate                                                                                                                          | Council Mandate                                                                                                                     | Draft Agreement |
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| 1465                                                | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                | detailed knowledge of specific risks involved and the technical aspects of the construction process;                                |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2 |                                                                                                                                     |                                                                                                                                     |                                                                                                                                     |                 |
| 1466                                                | (e)<br>(f)                                                                                                                          | (e)<br>(f)                                                                                                                          | (e)<br>(f)                                                                                                                          |                 |
| Annex IV, third paragraph, Table 2, Column 2, Row 2 |                                                                                                                                     |                                                                                                                                     |                                                                                                                                     |                 |
| 1467                                                | detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated; | detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated; | detailed knowledge of the existing harmonised standards and test methods within the product areas for which it is to be designated; |                 |

|                                                     | Commission Proposal                               | EP Mandate                                        | Council Mandate                                   | Draft Agreement |
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|                                                     | detailed knowledge of this Regulation;            | detailed knowledge of this Regulation;            | detailed knowledge of this Regulation;            |                 |
| Annex IV, third paragraph, Table 2, Column 1, Row 2 |                                                   |                                                   |                                                   |                 |
| 1468                                                | (g)                                               | (g)                                               | (g)                                               |                 |
| Annex IV, third paragraph, Table 2, Column 4, Row 2 |                                                   |                                                   |                                                   |                 |
| 1469                                                | appropriate linguistic skills.                    | appropriate linguistic skills.                    | appropriate linguistic skills.                    |                 |
| Annex V                                             |                                                   |                                                   |                                                   |                 |
| 1470                                                | Annex V Assessment and verification systems (AVS) | Annex V Assessment and verification systems (AVS) | Annex V Assessment and verification systems (AVS) |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement |
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| Annex V, first paragraph |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1471                     | The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations, including the verification that no identical items are declared to be of a different type. | The manufacturer shall correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification. Where a notified body is involved in assessment and verification, the notified body shall verify these determinations, <del>including the verification that no identical items are declared to be of a different type.</del> | The manufacturer shall, <u>in accordance with Article 21(1),</u> correctly determine the product type pursuant to Article 3, point 31, and the corresponding product category on the basis of the applicable harmonised technical specification <u>or European Assessment Document.</u> Where a notified body is involved in assessment and verification, the notified body shall, <u>in accordance with Article 60(1),</u> verify these determinations, including the verification that no identical <del>items</del> <u>products</u> are declared to be of a different type. |                 |
| Annex V, point 1.        |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 1472                     | 1. System 1+ – Full notified body control including audit sample testing                                                                                                                                                                                                                                                                                                                                                 | 1. System 1+ – Full notified body control including audit sample testing                                                                                                                                                                                                                                                                                                                                                            | 1. System 1+ – Full notified body control including audit sample testing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |

|                          | Commission Proposal                                                                                           | EP Mandate                                                                                                    | Council Mandate                                                                                               | Draft Agreement |
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| Annex V, point 1.(a)     |                                                                                                               |                                                                                                               |                                                                                                               |                 |
| 1473                     | (a) The manufacturer shall carry out:                                                                         | (a) The manufacturer shall carry out:                                                                         | (a) The manufacturer shall carry out:                                                                         |                 |
| Annex V, point 1.(a)(i)  |                                                                                                               |                                                                                                               |                                                                                                               |                 |
| 1474                     | (i) factory production control;                                                                               | (i) factory production control;                                                                               | (i) factory production control;                                                                               |                 |
| Annex V, point 1.(a)(ii) |                                                                                                               |                                                                                                               |                                                                                                               |                 |
| 1475                     | (ii) further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan; | (ii) further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan; | (ii) further testing of samples taken at the manufacturing plant in accordance with the prescribed test plan; |                 |



|                           | Commission Proposal                                                                                                                                                    | EP Mandate                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                         | Draft Agreement |
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| Annex V, point 1.(a)(iii) |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |
| 1476                      | (iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iii) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of the correct application of this Regulation with regard to the assessment of performance; |                 |
| Annex V, point 1.(a)(iv)  |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |
| 1477                      | (iv) verification whether the technical documentation contains full proof of conformity with product requirements under this Regulation.                               | (iv) verification whether the technical documentation contains full proof of conformity with product requirements under this Regulation.                               | (iv) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of conformity with <u>the applicable</u> product requirements under this Regulation.         |                 |
| Annex V, point 1.(b)      |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |

|                          | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                           | Draft Agreement |
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| 1478                     | (b) The notified body shall issue the certificate of performance and of conformity on the basis of:                                                                   | (b) The notified body shall issue the certificate of <u>constancy of</u> performance and of conformity on the basis of:                                               | (b) The notified <u>product certification</u> body shall <del>issue</del> <u>decide on the issuing, restriction, suspension, or withdrawal of</u> the certificate of performance and of conformity <u>of the product</u> on the basis of: |                 |
| Annex V, point 1.(b)(i)  |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                           |                 |
| 1479                     | (i) confirmation of the correct determination of the product type and of the product category;                                                                        | (i) confirmation of the correct determination of the product type and of the product category;                                                                        | (i) confirmation of the correct determination of the product type and of the <del>product</del> category;                                                                                                                                 |                 |
| Annex V, point 1.(b)(ii) |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                           |                 |
| 1480                     | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type                                                                     |                 |

|                            | Commission Proposal                                                                                  | EP Mandate                                                                                                                                          | Council Mandate                                                                                                                                           | Draft Agreement |
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|                            | calculation or tabulated values and, in all these cases, review of the documentation of the product; | calculation or tabulated values <u>or documentation describing the product</u> and, in all these cases, review of the documentation of the product; | calculation or tabulated values <del>and, in all these cases, review of the documentation of the product;</del>                                           |                 |
| Annex V, point 1.(b)(iii)  |                                                                                                      |                                                                                                                                                     |                                                                                                                                                           |                 |
| 1481                       | (iii) initial inspection of the manufacturing plant and of factory production control;               | (iii) initial inspection of the manufacturing plant and of factory production control;                                                              | (iii) initial inspection of the manufacturing plant and of factory production control;                                                                    |                 |
| Annex V, point 1.(b)(iiia) |                                                                                                      |                                                                                                                                                     |                                                                                                                                                           |                 |
| 1481a                      |                                                                                                      |                                                                                                                                                     | <u>(iiia) continuing surveillance, assessment and evaluation of factory production control including periodic inspections to the manufacturing plant;</u> |                 |
| Annex V, point 1.(b)(iv)   |                                                                                                      |                                                                                                                                                     |                                                                                                                                                           |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                    | Draft Agreement |
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| 1482                    | (iv) audit-testing of samples taken before placing the product on the market;                                                                                                                                                                                                                                                        | (iv) audit-testing of samples taken before placing the product on the market;                                                                                                                                                                                                                                                                   | (iv) audit-testing of samples taken before placing the product on the market;      |                 |
| Annex V, point 1.(b)(v) |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                 |                                                                                    |                 |
| 1483                    | (v) full verification of the tasks under paragraphs (a) (iii) and (iv).                                                                                                                                                                                                                                                              | (v) full verification of the tasks under paragraphs (a) (iii) and (iv).                                                                                                                                                                                                                                                                         | (v) <del>full</del> verification of the tasks under paragraphs (a) (iii) and (iv). |                 |
| Annex V, point 1.(c)    |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                 |                                                                                    |                 |
| 1484                    | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. <del>On this occasion, it shall undertake a check of 50 random points falling under the paragraphs (a) (ii) to (iv) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly</del> | <i>deleted</i>                                                                     |                 |

|                         | Commission Proposal                                                                                                     | EP Mandate                                                                                                                         | Council Mandate                                                       | Draft Agreement |
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|                         | grave non-compliance, amongst these 50 points and the other verifications to be made in accordance with this paragraph. | <del>grave non-compliance, amongst these 50 points and the other verifications to be made in accordance with this paragraph.</del> |                                                                       |                 |
| Annex V, point 2.       |                                                                                                                         |                                                                                                                                    |                                                                       |                 |
| 1485                    | 2. System 1 – Full notified body control without audit sample testing                                                   | 2. System 1 – Full notified body control without audit sample testing                                                              | 2. System 1 – Full notified body control without audit sample testing |                 |
| Annex V, point 2.(a)    |                                                                                                                         |                                                                                                                                    |                                                                       |                 |
| 1486                    | (a) The manufacturer shall carry out:                                                                                   | (a) The manufacturer shall carry out:                                                                                              | (a) The manufacturer shall carry out:                                 |                 |
| Annex V, point 2.(a)(i) |                                                                                                                         |                                                                                                                                    |                                                                       |                 |
| 1487                    |                                                                                                                         |                                                                                                                                    |                                                                       |                 |

|                           | Commission Proposal                                                                                                                                                    | EP Mandate                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                         | Draft Agreement |
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|                           | (i) factory production control;                                                                                                                                        | (i) factory production control;                                                                                                                                        | (i) factory production control;                                                                                                                                                                                                         |                 |
| Annex V, point 2.(a)(ii)  |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |
| 1488                      | (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan;                                      | (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan;                                      | (ii) further testing of samples taken at the manufacturing plant by the manufacturer in accordance with the prescribed test plan;                                                                                                       |                 |
| Annex V, point 2.(a)(iii) |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |
| 1489                      | (iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iii) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iii) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of the correct application of this Regulation with regard to the assessment of performance; |                 |
| Annex V, point 2.(a)(iv)  |                                                                                                                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                         |                 |

|                         | Commission Proposal                                                                                                                   | EP Mandate                                                                                                                            | Council Mandate                                                                                                                                                                                                                                  | Draft Agreement |
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| 1490                    | (iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation. | (iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation. | (iv) <del>verification whether</del> the <u>drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of conformity with <u>the applicable</u> product requirements <del>of</del> <u>under</u> this Regulation. |                 |
| Annex V, point 2.(b)    |                                                                                                                                       |                                                                                                                                       |                                                                                                                                                                                                                                                  |                 |
| 1491                    | (b) The notified body shall issue the certificate of performance and of conformity on the basis of:                                   | (b) The notified body shall issue the certificate of <u>constancy of</u> performance and of conformity on the basis of:               | (b) The notified <u>product certification</u> body shall <del>issue</del> <u>decide on the issuing, restriction, suspension, or withdrawal of</u> the certificate of performance and of conformity <u>of the product</u> on the basis of:        |                 |
| Annex V, point 2.(b)(i) |                                                                                                                                       |                                                                                                                                       |                                                                                                                                                                                                                                                  |                 |
| 1492                    | (i) confirmation of the correct                                                                                                       | (i) confirmation of the correct                                                                                                       | (i) confirmation of the correct                                                                                                                                                                                                                  |                 |

|                            | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                            | determination of the product type and of the product category:                                                                                                                                                                                                             | determination of the product type and of the product category:                                                                                                                                                                                                             | determination of the product type and of the product category:                                                                                                                                                                                                                        |                 |
| Annex V, point 2.(b)(ii)   |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                       |                 |
| 1493                       | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product; | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values and, in all these cases, review of the documentation of the product; | (ii) an assessment of the performance of the product on the basis of type testing (including sampling of the item(s) to be taken as representative of the type), type calculation or tabulated values <del>and, in all these cases, review of the documentation of the product;</del> |                 |
| Annex V, point 2.(b)(iii)  |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                       |                 |
| 1494                       | (iii) initial inspection of the manufacturing plant and of factory production control;                                                                                                                                                                                     | (iii) initial inspection of the manufacturing plant and of factory production control;                                                                                                                                                                                     | (iii) initial inspection of the manufacturing plant and of factory production control;                                                                                                                                                                                                |                 |
| Annex V, point 2.(b)(iiia) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                       |                 |



|                          | Commission Proposal                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                            | Draft Agreement |
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| 1494a                    |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                   | <u>(iii.a) continuing surveillance, assessment and evaluation of factory production control including periodic inspections to the manufacturing plant;</u> |                 |
| Annex V, point 2.(b)(iv) |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                   |                                                                                                                                                            |                 |
| 1495                     | (iv) full verification of the tasks under paragraphs (a) (iii) and (iv).                                                                                                                                                                                                  | (iv) full verification of the tasks under paragraphs (a) (iii) and (iv).                                                                                                                                                                                                          | (iv) <del>full</del> verification of the tasks under paragraphs (a) (iii) and (iv).                                                                        |                 |
| Annex V, point 2.(c)     |                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                   |                                                                                                                                                            |                 |
| 1496                     | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 40 random points falling under the items (a) (ii) to (iv) and withdraw the report or certificate in | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. <del>On this occasion, it shall undertake a check of 40 random points falling under the items (a) (ii) to (iv) and withdraw the report or certificate</del> | deleted                                                                                                                                                    |                 |

|                         | Commission Proposal                                                                                                                                                                     | EP Mandate                                                                                                                                                                                            | Council Mandate                                                         | Draft Agreement |
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|                         | case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 40 points and the other verifications to be made in accordance with this paragraph. | <del>in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 40 points and the other verifications to be made in accordance with this paragraph.</del> |                                                                         |                 |
| Annex V, point 3.       |                                                                                                                                                                                         |                                                                                                                                                                                                       |                                                                         |                 |
| 1497                    | 3. System 2+ – Notified body focusing on the factory production control                                                                                                                 | 3. System 2+ – Notified body focusing on the factory production control                                                                                                                               | 3. System 2+ – Notified body focusing on the factory production control |                 |
| Annex V, point 3.(a)    |                                                                                                                                                                                         |                                                                                                                                                                                                       |                                                                         |                 |
| 1498                    | (a) The manufacturer shall carry out:                                                                                                                                                   | (a) The manufacturer shall carry out:                                                                                                                                                                 | (a) The manufacturer shall carry out:                                   |                 |
| Annex V, point 3.(a)(i) |                                                                                                                                                                                         |                                                                                                                                                                                                       |                                                                         |                 |

|                           | Commission Proposal                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                             | Draft Agreement |
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| 1499                      | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; |                 |
| Annex V, point 3.(a)(ii)  |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                 |
| 1500                      | (ii) factory production control;                                                                                                                                                                                                            | (ii) factory production control;                                                                                                                                                                                                            | (ii) factory production control;                                                                                                                                                                                                            |                 |
| Annex V, point 3.(a)(iii) |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                 |
| 1501                      | (iii) testing of samples taken at the factory in accordance with the prescribed test plan;                                                                                                                                                  | (iii) testing of samples taken at the factory in accordance with the prescribed test plan;                                                                                                                                                  | (iii) testing of samples taken at the factory in accordance with the prescribed test plan;                                                                                                                                                  |                 |

|                          | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                    | Draft Agreement |
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| Annex V, point 3.(a)(iv) |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                                    |                 |
| 1502                     | (iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | (iv) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains</del> <u>fullcontaining</u> proof of the correct application of this Regulation with regard to the assessment of performance;              |                 |
| Annex V, point 3.(a)(v)  |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                                    |                 |
| 1503                     | (v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.                                  | (v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.                                  | (v) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains</del> <u>fullcontaining</u> proof of conformity with <u>the applicable</u> product requirements <del>of</del> <u>under</u> this Regulation. |                 |
| Annex V, point 3.(b)     |                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                                    |                 |

|                          | Commission Proposal                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                             | Draft Agreement |
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| 1504                     | (b) The notified body shall issue the certificate of conformity of the factory production control on the basis of:                                                                                                                         | (b) The notified body shall issue the certificate of conformity of the factory production control on the basis of:                                                                                                                         | (b) The notified <u>factory</u> <u>production control certification</u> body shall <del>issue</del> <u>decide on the issuing, restriction, suspension or withdrawal of</u> the certificate of conformity of the factory production control on the basis of: |                 |
| Annex V, point 3.(b)(i)  |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                             |                 |
| 1505                     | (i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of the review of the documentation of the product; | (i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of the review of the documentation of the product; | (i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of the review of the documentation of the product;                  |                 |
| Annex V, point 3.(b)(ii) |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                             |                 |
| 1506                     |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                             |                 |

|                           | Commission Proposal                                                                   | EP Mandate                                                                            | Council Mandate                                                                                                                                           | Draft Agreement |
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|                           | (ii) initial inspection of the manufacturing plant and of factory production control; | (ii) initial inspection of the manufacturing plant and of factory production control; | (ii) initial inspection of the manufacturing plant and of factory production control;                                                                     |                 |
| Annex V, point 3.(b)(iia) |                                                                                       |                                                                                       |                                                                                                                                                           |                 |
| 1506a                     |                                                                                       |                                                                                       | <u>(ii.a) continuing surveillance, assessment and evaluation of factory production control including periodic inspections to the manufacturing plant;</u> |                 |
| Annex V, point 3.(b)(iii) |                                                                                       |                                                                                       |                                                                                                                                                           |                 |
| 1507                      | (iii) full verification of the tasks under paragraphs (a) (iv) and (v).               | (iii) full verification of the tasks under paragraphs (a) (iv) and (v).               | (iii) <del>full</del> verification of the tasks under paragraphs (a) (iv) and (v).                                                                        |                 |
| Annex V, point 3.(c)      |                                                                                       |                                                                                       |                                                                                                                                                           |                 |

|                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                      | Draft Agreement |
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| 1508              | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii) to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 30 points and the other verifications to be made in accordance with this paragraph. | (c) The notified body shall provide continuous surveillance, assessment and evaluation of factory production control. <del>On this occasion, it shall undertake a check of 30 random points falling under the paragraphs (a) (iii) to (v) and withdraw the certificate in case it detects more than 2 non-compliances or one particularly grave non-compliance, amongst these 30 points and the other verifications to be made in accordance with this paragraph.</del> | <i>deleted</i>                                                                                                                       |                 |
| Annex V, point 4. |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                      |                 |
| 1509              | 4. System 3+ – Notified body's control of environmental sustainability assessment                                                                                                                                                                                                                                                                                                                                                                            | 4. System 3+ – Notified body's control of environmental sustainability assessment                                                                                                                                                                                                                                                                                                                                                                                       | 4. System 3+ – Notified body's control of environmental sustainability <del>assessment</del> <u>assessments based on data models</u> |                 |

|                          | Commission Proposal                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                | Draft Agreement |
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| Annex V, point 4.(a)     |                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |                 |
| 1510                     | (a) The manufacturer shall carry out the assessment of the performance of the product in relation to essential characteristics or product requirements related to environmental sustainability and keep it updated. | (a) The manufacturer shall carry out the assessment of the performance of the product in relation to essential characteristics or product requirements related to environmental sustainability and keep it updated. | (a) The manufacturer shall carry out <del>the assessment of the performance of the product in relation to essential characteristics or product requirements related to environmental sustainability and keep it updated.</del> |                 |
| Annex V, point 4.(a)(i)  |                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |                 |
| 1510a                    |                                                                                                                                                                                                                     |                                                                                                                                                                                                                     | <u>(i) the assessment of the performance of the product on the basis of data collection for input values, assumptions and modelling ;</u>                                                                                      |                 |
| Annex V, point 4.(a)(ii) |                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |                 |
| 1510b                    |                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |                 |



|                         | Commission Proposal                                                                                                                                             | EP Mandate                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|                         |                                                                                                                                                                 |                                                                                                                                                                 | <u>(ii) factory production control.</u>                                                                                                                                                                                                                                                                              |                 |
| Annex V, point 4.(b)    |                                                                                                                                                                 |                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                      |                 |
| 1511                    | (b) The notified body shall, in particular in view of input values, assumptions made and compliance with applicable generic or product category specific rules: | (b) The notified body shall, in particular in view of input values, assumptions made and compliance with applicable generic or product category specific rules: | (b) The notified <u>assessment validation</u> body shall, <del>in particular in view of input values, assumptions made and compliance with applicable generic or product category specific rules</del> <u>decide on the issuing, restriction, suspension or withdrawal of the validation report on the basis of:</u> |                 |
| Annex V, point 4.(b)(0) |                                                                                                                                                                 |                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                      |                 |
| 1511a                   |                                                                                                                                                                 |                                                                                                                                                                 | <u>(0) validation of the input values, assumptions made and compliance with applicable generic or product category specific rules:</u>                                                                                                                                                                               |                 |

|                           | Commission Proposal                                            | EP Mandate                                                     | Council Mandate                                                                                          | Draft Agreement |
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|                           |                                                                |                                                                |                                                                                                          |                 |
| Annex V, point 4.(b)(i)   |                                                                |                                                                |                                                                                                          |                 |
| 1512                      | (i) verify the manufacturer's initial and updated assessment;  | (i) verify the manufacturer's initial and updated assessment;  | (i) <del>verify</del> <u>validation of</u> the manufacturer's <del>initial and updated</del> assessment; |                 |
| Annex V, point 4.(b)(ii)  |                                                                |                                                                |                                                                                                          |                 |
| 1513                      | (ii) validate the process applied to generate that assessment. | (ii) validate the process applied to generate that assessment. | (ii) <del>validate</del> <u>validation of</u> the process applied to generate that assessment.;          |                 |
| Annex V, point 4.(b)(iii) |                                                                |                                                                |                                                                                                          |                 |
| 1513a                     |                                                                |                                                                | <u>(iii) validation of the correct usage of software appropriate for the assessment;</u>                 |                 |

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| Annex V, point 4.(b)(iv) |                                                                        |                                                                        |                                                                                                  |                 |
| 1513b                    |                                                                        |                                                                        | <u>(iv) initial inspection of the manufacturing plant to validate any company-specific data.</u> |                 |
| Annex V, point 5.        |                                                                        |                                                                        |                                                                                                  |                 |
| 1514                     | 5. System 3 – Notified body focusing on the product type determination | 5. System 3 – Notified body focusing on the product type determination | 5. System 3 – Notified body focusing on the product type determination                           |                 |
| Annex V, point 5.(a)     |                                                                        |                                                                        |                                                                                                  |                 |
| 1515                     | (a) The manufacturer shall carry out:                                  | (a) The manufacturer shall carry out:                                  | (a) The manufacturer shall carry out:                                                            |                 |

|                           | Commission Proposal                                                                                                                                                                                                                         | EP Mandate                       | Council Mandate                                                                                                                                                                                                                                                       | Draft Agreement |
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| Annex V, point 5.(a)(i)   |                                                                                                                                                                                                                                             |                                  |                                                                                                                                                                                                                                                                       |                 |
| 1516                      | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; | <i>deleted</i>                   | (i) <del>an</del> <i>further</i> assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; |                 |
| Annex V, point 5.(a)(ii)  |                                                                                                                                                                                                                                             |                                  |                                                                                                                                                                                                                                                                       |                 |
| 1517                      | (ii) factory production control;                                                                                                                                                                                                            | (ii) factory production control; | (ii) factory production control;                                                                                                                                                                                                                                      |                 |
| Annex V, point 5.(a)(iii) |                                                                                                                                                                                                                                             |                                  |                                                                                                                                                                                                                                                                       |                 |
| 1518                      | (iii) verification whether the                                                                                                                                                                                                              | (iii) verification whether the   | (iii) <del>verification whether the</del> <i>the</i>                                                                                                                                                                                                                  |                 |

|                          | Commission Proposal                                                                                                                     | EP Mandate                                                                                                                              | Council Mandate                                                                                                                                                                                                                                  | Draft Agreement |
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|                          | technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | technical documentation contains full proof of the correct application of this Regulation with regard to the assessment of performance; | <u>drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of the correct application of this Regulation with regard to the assessment of performance;                                                        |                 |
| Annex V, point 5.(a)(iv) |                                                                                                                                         |                                                                                                                                         |                                                                                                                                                                                                                                                  |                 |
| 1519                     | (iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.   | (iv) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation.   | (iv) <del>verification whether</del> the <u>drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of conformity with <u>the applicable</u> product requirements <del>of</del> <u>under</u> this Regulation. |                 |
| Annex V, point 5.(b)     |                                                                                                                                         |                                                                                                                                         |                                                                                                                                                                                                                                                  |                 |
| 1520                     | (b) The notified body shall issue the certificate of performance and of conformity on the basis of:                                     | (b) The notified body shall issue the certificate of performance and of conformity on the basis of:                                     | (b) The notified <u>product certification</u> body shall <del>issue the</del> <u>decide on the issuing, restriction, suspension or withdrawal of the</u>                                                                                         |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                          |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | certificate of performance and of conformity <u>of the construction product</u> on the basis of:                                                                                                                                                                                                                                                                                  |                 |
| Annex V, point 5.(b)(i)  |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 1521                     | (i) confirmation of the correct determination of the product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values and, in all these cases, review of the documentation of the product; | (i) <del>confirmation of the correct determination</del> <u>an assessment</u> of the <del>product type and of the product category and confirmation of the correct assessment of the performance of the product on the basis of type testing</del> <u>performance on the basis of testing performed by a notified testing laboratory</u> (based on sampling carried out by the manufacturer), <del>type</del> calculation <del>or, tabulated values and, in all these cases, review of the</del> <u>or descriptive</u> documentation of the <u>construction</u> product; | (i) confirmation of the correct determination of the product type and of the product category <del>and confirmation of the correct assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values and, in all these cases, review of the documentation of the product;</del> |                 |
| Annex V, point 5.(b)(ia) |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 1521a                    |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                     | Draft Agreement |
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|                          |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>(i.a) an assessment of the performance of the product on the basis of type testing (based on sampling carried out by the manufacturer), type calculation or tabulated values</u> |                 |
| Annex V, point 5.(b)(ii) |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                     |                 |
| 1522                     | (ii) undertaking a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliance or one particularly grave non-compliance, amongst these 20 points and the other verifications to be made in accordance with this paragraph. | (ii) <del>undertaking a check of 20 random points falling under the paragraphs (a) (iii) and (iv) and refuse the issuing of a certificate in case it detects more than 2 non-compliance or one particularly grave non-compliance, amongst these 20 points and the other verifications to be made in accordance with this</del> <u>paragraph confirmation of the correct determination of the product type and of the product category.</u> | deleted                                                                                                                                                                             |                 |
| Annex V, point 6.        |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                     |                 |

|                         | Commission Proposal                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                             | Draft Agreement |
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| 1523                    | 6. System 4 – Manufacturer’s self-verification and self-certification                                                                                                                                                                       | 6. System 4 – Manufacturer’s self-verification and self-certification                                                                                                                                                                       | 6. System 4 – Manufacturer’s self-verification and self-certification                                                                                                                                                                       |                 |
| Annex V, point 6.(a)    |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                 |
| 1524                    | (a) The manufacturer shall carry out:                                                                                                                                                                                                       | (a) The manufacturer shall carry out:                                                                                                                                                                                                       | (a) The manufacturer shall carry out:                                                                                                                                                                                                       |                 |
| Annex V, point 6.(a)(i) |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                 |
| 1525                    | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; | (i) an assessment of the performance of the product on the basis of testing (including sampling of the item(s) to be taken as representative of the type), type calculation, tabulated values or descriptive documentation of that product; |                 |



|                           | Commission Proposal                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                               | Draft Agreement |
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| Annex V, point 6.(a)(ii)  |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                        |                                                                                                                                                                                               |                 |
| 1526                      | (ii) confirmation of the correct determination of the product type and of the product category on the basis of type testing, type calculation or tabulated values and, in all these cases, review of the documentation of the product; | (ii) confirmation of the correct determination of the product type and of the product category on the basis of type testing, type calculation or tabulated values and, in all these cases, review of the documentation of the product; | <i>deleted</i>                                                                                                                                                                                |                 |
| Annex V, point 6.(a)(iii) |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                        |                                                                                                                                                                                               |                 |
| 1527                      | (iii) factory production control;                                                                                                                                                                                                      | (iii) factory production control;                                                                                                                                                                                                      | (iii) factory production control;                                                                                                                                                             |                 |
| Annex V, point 6.(a)(iv)  |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                        |                                                                                                                                                                                               |                 |
| 1528                      | (iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to                                                                                                 | (iv) verification whether the technical documentation contains full proof of the correct application of this Regulation with regard to                                                                                                 | (iv) <del>verification whether the</del> <u>the drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of the correct application of this Regulation with |                 |

|                         | Commission Proposal                                                                                                                  | EP Mandate                                                                                                                           | Council Mandate                                                                                                                                                                                                                                 | Draft Agreement |
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|                         | the assessment of performance;                                                                                                       | the assessment of performance;                                                                                                       | regard to the assessment of performance;                                                                                                                                                                                                        |                 |
| Annex V, point 6.(a)(v) |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                                                                 |                 |
| 1529                    | (v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation. | (v) verification whether the technical documentation contains full proof of conformity with product requirements of this Regulation. | (v) <del>verification whether</del> the <u>drawing up of</u> technical documentation <del>contains full</del> <u>containing</u> proof of conformity with <u>the applicable</u> product requirements <del>of</del> <u>under</u> this Regulation. |                 |
| Annex V, point 6.(b)    |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                                                                 |                 |
| 1530                    | (b) There is no task for the notified body.                                                                                          | (b) There is no task for the notified body.                                                                                          | (b) There is no task for the notified body.                                                                                                                                                                                                     |                 |
| Annex V, point 7.       |                                                                                                                                      |                                                                                                                                      |                                                                                                                                                                                                                                                 |                 |

|                      | Commission Proposal                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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| 1531                 | 7. For all the systems above the following shall apply:                                                                                                                                                      | 7. For all the systems above the following shall apply:                                                                                                                                                                                                                             | 7. <del>For all</del> <u>Horizontal rules pertaining to some or all of</u> the systems above. <u>System 3+ will</u> <del>the following shall</del> apply <u>to all products alone or in parallel with another system.</u> :                                                                                                                                                                                                                                                        |                 |
| Annex V, point 7.(a) |                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| 1532                 | (a) Inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following elements, which shall ensure a continuous orderly manufacturing process: | (a) <u>In the case of systems 1+, 1 and 2+,</u> inspection of the manufacturing plant shall cover the entire technical part of the plant, at least with regard to the following <del>elements</del> <u>element</u> , which shall ensure a continuous orderly manufacturing process: | (a) <u>When a system includes an</u> inspection of the manufacturing plant <del>shall cover the entire technical part of the plant, at least with regard to the following elements,</del> <u>by a notified body, those inspections shall be carried out as on-site audits, cover all locations at</u> which <del>shall ensure a continuous orderly manufacturing process</del> <u>significant manufacturing processes take place and, at least, verify the following elements:</u> |                 |

|                           | Commission Proposal                                          | EP Mandate                                                                                                                                                                                                                              | Council Mandate                                              | Draft Agreement |
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| Annex V, point 7.(a)(i)   |                                                              |                                                                                                                                                                                                                                         |                                                              |                 |
| 1533                      | (i) appropriate competence of the personnel;                 | (i) <del>appropriate competence of the personnel</del><br><u>the factory production control specifying the measures and frequencies foreseen to ensure constancy of performance, including the critical to performance parameters</u> ; | (i) appropriate competence of the personnel;                 |                 |
| Annex V, point 7.(a)(ii)  |                                                              |                                                                                                                                                                                                                                         |                                                              |                 |
| 1534                      | (ii) appropriateness of the technical equipment;             | <i>deleted</i>                                                                                                                                                                                                                          | (ii) appropriateness of the technical equipment;             |                 |
| Annex V, point 7.(a)(iii) |                                                              |                                                                                                                                                                                                                                         |                                                              |                 |
| 1535                      | (iii) appropriateness of the facilities and other conditions |                                                                                                                                                                                                                                         | (iii) appropriateness of the facilities and other conditions |                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                          | influencing the manufacturing;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | influencing the manufacturing;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Annex V, point 7.(a)(iv) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1536                     | (iv) outline of the intended factory production control.                                                                                                                                                                                                                                                                                                                                                                                                                         | (iv) outline of the intended factory production control.                                                                                                                                                                                                                                                                                                                                                                                                                          | (iv) outline of the intended factory production control.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| Annex V, point 7.(b)     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1537                     | (b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach). It shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under | (b) Factory production control shall cover the process from receipt of the raw materials and components to the dispatch of the product once the production has started ('gate to gate' approach) <u>and include as a minimum the critical to performance parameters. In the case of systems 1+, 1 and 2+, the notified body.</u> It shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore | (b) <u>When a system includes</u> factory production control, <u>those controls</u> shall cover the <u>production</u> process from receipt of the raw materials and components to the dispatch of the product <del>once the production has started</del> ('gate to gate' approach). <del>It shall assess whether this process is designed and optimised in view of the goal that the products conform with the product type and therefore reach the performances declared in the declaration of performance and</del> |                 |

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|                          | this Regulation.    | reach the performances declared in the declaration of performance and are compliant with the requirements set out in or under this Regulation. | <del>are compliant with the requirements set out in or under this Regulation.</del> <u>once that production has started, and at least include the following elements:</u>                                                                       |                 |
| Annex V, point 7.(b)(i)  |                     |                                                                                                                                                |                                                                                                                                                                                                                                                 |                 |
| 1537a                    |                     |                                                                                                                                                | <u>(i) ensuring that the products conform with the product type and therefore reach the performances declared in the declaration of performance and conformity and are compliant with the requirements set out in or under this Regulation;</u> |                 |
| Annex V, point 7.(b)(ii) |                     |                                                                                                                                                |                                                                                                                                                                                                                                                 |                 |
| 1537b                    |                     |                                                                                                                                                | <u>(ii) application of the technical details necessary for the implementation of the assessment</u>                                                                                                                                             |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|                         |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                           | <u>and verification system or systems as defined in harmonised technical specifications, European assessment documents and harmonised standards, including the relevant factory production control checks.</u>                                                                                                                                                                                                               |                 |
| Annex V, point 7.(c)    |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 1538                    | (c) Further testing of samples shall constitute of testing of an adequate number of products, as defined in harmonised technical specifications, with regard to conformity with the product type, with zero tolerance for non-conformity, unless another tolerance is defined in the harmonised technical specifications. | (c) Further testing of samples shall constitute of testing of an adequate number of products, as defined in harmonised technical specifications, with regard to conformity with the product type, with zero tolerance for non-conformity, unless another tolerance is defined in the harmonised technical specifications. | (c) <del>Further testing of samples shall constitute of</del> <u>When a system includes further</u> testing of <del>an adequate number of products, as defined in harmonised technical specifications, with regard to conformity with the product type, with zero tolerance for non-conformity, unless another tolerance is defined in the harmonised technical specifications.</del> <u>samples, the following applies:</u> |                 |
| Annex V, point 7.(c)(i) |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

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| 1538a                    |                     |            | <u>(i) tests shall include testing of an adequate number of products, as defined in harmonised technical specifications, European assessment documents and harmonised standards, with regard to conformity with the product type;</u>                                                                                                                                                                                                 |                 |
| Annex V, point 7.(c)(ii) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 1538b                    |                     |            | <u>(ii) in case tests are not suitable for the product, the product type may be defined using the applicable extended application rules referred in harmonised technical specifications, European assessment documents and harmonised standards, where available. Notified bodies confirming the correct determination of the product type shall also confirm the correct application of the relevant extended application rules;</u> |                 |



|                           | Commission Proposal                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                | Draft Agreement |
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| Annex V, point 7.(c)(iii) |                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                |                 |
| 1538c                     |                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>(iii) results from tests undertaken by another manufacturer or notified body may be used in accordance with Article 67.</u> |                 |
| Annex V, point 7.(d)      |                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                |                 |
| 1539                      | (d) Verification of items shall, to 50 %, target items which are most likely to contain deficiencies and, to another 50 %, target items chosen at random. | (d) <u>In the case of system 3+, verification shall consist of the verification of <del>items</del>all calculations and input data. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed and whether the calculation model and input data reflect the production process. In</u> | deleted                                                                                                                        |                 |

|                                          | Commission Proposal           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate | Draft Agreement |
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|                                          |                               | <p><u>case a verified IT tool or one provided by the Commission is used, the verification shall focus on the correct use of the tool.</u></p> <p><u>Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product specific calculation rules contained in the applicable harmonised technical specification or the methodology provided by the Commission, are used. Where company-specific data is used, the reliability of that data shall be verified. To that end, the notified body may undertake an audit of the manufacturing plant to which the data refer, and shall examine documentation to verify the reliability of the data, to</u></p> <p><del>50 %, target items which are most likely to contain deficiencies and, to another 50 %, target items chosen at random.</del></p> |                 |                 |
| Annex V, point 7.(e), first subparagraph |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |                 |
| 1540                                     | Verification of environmental | Verification of environmental                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                 |

|                                                  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate | Draft Agreement |
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|                                                  | sustainability shall constitute of the verification of all calculations and verification of 10 samples of company-specific or secondary data factored in, with zero tolerance for incorrectness. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed. | sustainability shall constitute of the verification of all calculations and verification of 10 samples of company-specific or secondary data factored in, with zero tolerance for incorrectness. In that context, the notified body shall verify whether the applicable rules on modelling and calculation laid down in the applicable harmonised technical specification or methodology provided by the Commission are followed. | <i>deleted</i>  |                 |
| <i>Annex V, point 7.(e), second subparagraph</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |                 |
| 1541                                             | In case an IT tool provided by the Commission is used, the verification focuses on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product-specific calculation rules contained in the applicable harmonised technical specification or methodology provided by the Commission, are used. Where                                  | In case an IT tool provided by the Commission is used, the verification focuses on the correct use of the tool. Where secondary data is used, the notified body shall check whether the correct data sets, prescribed by applicable product-specific calculation rules contained in the applicable harmonised technical specification or methodology provided by the Commission, are used. Where                                  | <i>deleted</i>  |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|                      | company-specific data is used, the reliability of that data needs to be verified. To that end, the notified body shall undertake an audit of the manufacturing plant to which they refer and shall examine all data relating to suppliers and service providers. Notified bodies may extend their audit to suppliers and service providers who are obliged to cooperate in accordance with Article 30. | company-specific data is used, the reliability of that data needs to be verified. To that end, the notified body shall undertake an audit of the manufacturing plant to which they refer and shall examine all data relating to suppliers and service providers. Notified bodies may extend their audit to suppliers and service providers who are obliged to cooperate in accordance with Article 30.<br><br>The deletion of Article 30 implies the deletion of the last sentence of this provision. |                 |                 |
| Annex V, point 7.(f) |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                 |
| 1542                 | (f) Where the above mentioned failure rates have been trespassed or where a grave error or the intention to cheat has been detected, the notified body shall refuse issuing a certificate for at least one year or withdraw the                                                                                                                                                                        | (f) Where, <u>in the case of system 1+, 1, 2+ or 3+, there is evidence that the manufacturer has not performed his task properly</u> <del>the above mentioned failure rates have been trespassed or where a grave error or the intention to cheat has</del>                                                                                                                                                                                                                                           | deleted         |                 |

|                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|                      | certificate whilst permitting issuing a new one only after one year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <del>been detected</del> <u>product performances do not comply with the declared performances</u> , the notified body shall refuse issuing a certificate for at least one year or withdraw the certificate whilst permitting issuing a new one only after <del>one year</del> <u>the deficiencies have been remedied</u> .                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| Annex V, point 7.(g) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 1543                 | (g) Notified bodies that are undertaking tasks under Systems 1+, 1, and 3 as well as manufacturers that are undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), 5.(a)(i) and 6(a)(i), respectively, only where there is evidence that these have not or not appropriately been | (g) Notified bodies that are undertaking tasks under Systems 1+, 1, and 3 as well as manufacturers that are undertaking tasks under Systems 2+ and 4 shall consider the European Technical Assessment issued for the product in question as the assessment of the performance of that product. Notified bodies and manufacturers shall therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), 5.(a)(i) and 6(a)(i), respectively, only where there is evidence that these have not or not appropriately been | (g) Notified bodies <del>that are undertaking tasks under Systems 1+, 1, and 3 as well as</del> <u>and</u> manufacturers <del>that are undertaking tasks under Systems 2+ and 4</del> shall consider the European Technical Assessment issued for the product <del>in question</del> <u>and validation</u> of the performance of that product. <del>Notified bodies and manufacturers shall therefore undertake the tasks referred to in points 1.(b)(ii), 2.(b)(ii), 3.(a)(i), 5.(a)(i) and 6(a)(i), respectively, only where there is evidence that these have</del> |                 |

|          | Commission Proposal  | EP Mandate           | Council Mandate                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|          | executed by the TAB. | executed by the TAB. | <del>not or not appropriately been executed by the</del><br><u>TAB Manufacturers finding evidence or informed by the notified body that the performance of the product is not in conformity with the European Technical Assessment shall bring that product into conformity including, when relevant the fulfilment of obligations set out in Article 21(8) .</u> |                 |
| Annex Va |                      |                      |                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 1543a    |                      |                      | <u>Annex Va List of the legal acts referred to in Article 8</u><br><br><u>1. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers</u><br><br><u>[2. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending</u>                  |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement |
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|  |                     |            | <p><a href="#"><u>Directive 95/16/EC</u></a></p> <p>3. <a href="#"><u>Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC</u></a></p> <p>4. <a href="#"><u>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives</u></a></p> <p>5. <a href="#"><u>Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and</u></a></p> |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement |
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|  |                     |            | <p><u><a href="#">1999/45/EC, and amending Regulation (EC) No 1907/2006</a></u></p> <p><u><a href="#">6. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment</a></u></p> <p><u><a href="#">7. Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom</a></u></p> <p><u><a href="#">8. Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels</a></u></p> <p><u><a href="#">9. Directive 2014/30/EU of the European Parliament and of</a></u></p> |                 |



|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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|  |                     |            | <p><u><a href="#">the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility</a></u></p> <p><u><a href="#">10. Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments</a></u></p> <p><u><a href="#">11. Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits</a></u></p> <p><u><a href="#">12. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC</a></u></p> <p><u><a href="#">13. Directive 2014/68/EU of</a></u></p> |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement |
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|  |                     |            | <p><u><i>the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment</i></u></p> <p><u><i>14. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC</i></u></p> <p><u><i>15. Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC</i></u></p> <p><u><i>16. Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union</i></u></p> <p><u><i>17. Regulation (EU) 2023/[XX] of the European Parliament and of the Council of</i></u></p> |                 |

|  | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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|  |                     |            | <p><a href="#"><u>[Day Month] 2023 on Machinery</u></a></p> <p><a href="#"><u>18. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC [COM(2022) 142]</u></a></p> <p><a href="#"><u>19. Proposal for a Regulation of the European Parliament and of the Council on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020 [COM(2022) 454]</u></a></p> <p><a href="#"><u>20. Proposal for a Directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to artificial intelligence [COM(2022) 496]</u></a></p> <p><a href="#"><u>21. Proposal for a Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals [COM(2022) 672]</u></a></p> <p><a href="#"><u>22. Proposal for a Regulation</u></a></p> |                 |

|          | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|          |                     |            | <p><u><i>of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 [COM(2023) 160]</i></u></p> <p><u><i>23. Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims [COM(2023) 166]</i></u></p> <p>comment from developers :<br/> unfortunately TTE does not yet support the creation of content for new Annexes, which is why you can only create new Annexes but not add anything in them. . This feature is planned in a future release, we are checking the timeframe and will get back to you as soon as we have a confirmation of the implementation date.</p> |                 |
| Annex VI |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                    | Commission Proposal                                                                                                                                                         | EP Mandate                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                      | Draft Agreement |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1544               | Annex VI Essential characteristics for which a reference to a relevant harmonised technical specification is not required in the context of notification of notified bodies | Annex VI Essential characteristics for which a reference to a relevant harmonised technical specification is not required in the context of notification of notified bodies | Annex VI Essential characteristics <del>for which a reference to a relevant harmonised technical specification is not required in the context of notification of notified bodies</del> <u>of a horizontal nature</u> |                 |
| Annex VI, point 1. |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                                                                      |                 |
| 1544a              |                                                                                                                                                                             |                                                                                                                                                                             | <u>The following are groupings of essential characteristics of a horizontal nature, which have been developed on the basis of Annex I-A, for the application of this Regulation.</u>                                 |                 |
| Annex VI, point 1. |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                                                                      |                 |
| 1545               | 1. Reaction to fire.                                                                                                                                                        | 1. Reaction to fire.                                                                                                                                                        | 1. Reaction to fire.                                                                                                                                                                                                 |                 |

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|                    |                               |                               |                               |                 |
| Annex VI, point 2. |                               |                               |                               |                 |
| 1546               | 2. Resistance to fire.        | 2. Resistance to fire.        | 2. Resistance to fire.        |                 |
| Annex VI, point 3. |                               |                               |                               |                 |
| 1547               | 3. External fire performance. | 3. External fire performance. | 3. External fire performance. |                 |
| Annex VI, point 4. |                               |                               |                               |                 |
| 1548               | 4. Noise absorption.          | 4. Noise absorption.          | 4. Noise absorption.          |                 |
| Annex VI, point 5. |                               |                               |                               |                 |
| 1549               |                               |                               |                               |                 |

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|                            | 5. Emissions of dangerous substances.               | 5. Emissions of dangerous substances.               | 5. <del>Emissions</del> <u>Release and content</u> of dangerous substances. |                 |
| Annex VI, point 6.         |                                                     |                                                     |                                                                             |                 |
| 1550                       | 6. Environmental sustainability.                    | 6. Environmental sustainability.                    | 6. Environmental sustainability.                                            |                 |
| Annex VII                  |                                                     |                                                     |                                                                             |                 |
| 1551                       | Annex VII Correlation tables                        | Annex VII Correlation tables                        | Annex VII Correlation tables                                                |                 |
| Annex VII, first paragraph |                                                     |                                                     |                                                                             |                 |
| 1552                       | Table 1: Regulation (EU) 305/2011 > this Regulation | Table 1: Regulation (EU) 305/2011 > this Regulation | Table 1: Regulation (EU) 305/2011 > this Regulation                         |                 |

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| Annex VII, Table 3, Column 1, Row 1 |                          |                          |                          |                 |
| 1553                                | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 |                 |
| Annex VII, Table 3, Column 1, Row 2 |                          |                          |                          |                 |
| 1554                                | Article 1                | Article 1                | Article 1                |                 |
| Annex VII, Table 3, Column 1, Row 3 |                          |                          |                          |                 |
| 1555                                | Article 2                | Article 2                | Article 2                |                 |
| Annex VII, Table 3, Column 1, Row 4 |                          |                          |                          |                 |
| 1556                                | Article 3                | Article 3                | Article 3                |                 |



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|                                     |                     |            |                 |                 |
| Annex VII, Table 3, Column 1, Row 5 |                     |            |                 |                 |
| 1557                                | Article 4           | Article 4  | Article 4       |                 |
| Annex VII, Table 3, Column 1, Row 6 |                     |            |                 |                 |
| 1558                                | Article 5           | Article 5  | Article 5       |                 |
| Annex VII, Table 3, Column 1, Row 7 |                     |            |                 |                 |
| 1559                                | Article 6           | Article 6  | Article 6       |                 |
| Annex VII, Table 3, Column 1, Row 8 |                     |            |                 |                 |
| 1560                                |                     |            |                 |                 |

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|                                      | Article 7           | Article 7  | Article 7       |                 |
| Annex VII, Table 3, Column 1, Row 9  |                     |            |                 |                 |
| 1561                                 | Article 8           | Article 8  | Article 8       |                 |
| Annex VII, Table 3, Column 1, Row 10 |                     |            |                 |                 |
| 1562                                 | Article 9           | Article 9  | Article 9       |                 |
| Annex VII, Table 3, Column 1, Row 11 |                     |            |                 |                 |
| 1563                                 | Article 10          | Article 10 | Article 10      |                 |
| Annex VII, Table 3, Column 1, Row 12 |                     |            |                 |                 |

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| 1564                                 | Article 11          | Article 11 | Article 11      |                 |
| Annex VII, Table 3, Column 1, Row 13 |                     |            |                 |                 |
| 1565                                 | Article 12          | Article 12 | Article 12      |                 |
| Annex VII, Table 3, Column 1, Row 14 |                     |            |                 |                 |
| 1566                                 | Article 13          | Article 13 | Article 13      |                 |
| Annex VII, Table 3, Column 1, Row 15 |                     |            |                 |                 |
| 1567                                 | Article 14          | Article 14 | Article 14      |                 |

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|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 3, Column 1, Row 16 |                     |            |                 |                 |
| 1568                                 | Article 15          | Article 15 | Article 15      |                 |
| Annex VII, Table 3, Column 1, Row 17 |                     |            |                 |                 |
| 1569                                 | Article 16          | Article 16 | Article 16      |                 |
| Annex VII, Table 3, Column 1, Row 18 |                     |            |                 |                 |
| 1570                                 | Article 17          | Article 17 | Article 17      |                 |
| Annex VII, Table 3, Column 1, Row 19 |                     |            |                 |                 |
| 1571                                 | Article 18          | Article 18 | Article 18      |                 |

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|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 1, Row 20 |                     |            |                 |                 |
| 1572                                 | Article 19          | Article 19 | Article 19      |                 |
| Annex VII, Table 3, Column 1, Row 21 |                     |            |                 |                 |
| 1573                                 | Article 20          | Article 20 | Article 20      |                 |
| Annex VII, Table 3, Column 1, Row 22 |                     |            |                 |                 |
| 1574                                 | Article 21          | Article 21 | Article 21      |                 |
| Annex VII, Table 3, Column 1, Row 23 |                     |            |                 |                 |
| 1575                                 |                     |            |                 |                 |

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|                                      | Article 22          | Article 22 | Article 22      |                 |
| Annex VII, Table 3, Column 1, Row 24 |                     |            |                 |                 |
| 1576                                 | Article 23          | Article 23 | Article 23      |                 |
| Annex VII, Table 3, Column 1, Row 25 |                     |            |                 |                 |
| 1577                                 | Article 24          | Article 24 | Article 24      |                 |
| Annex VII, Table 3, Column 1, Row 26 |                     |            |                 |                 |
| 1578                                 | Article 25          | Article 25 | Article 25      |                 |
| Annex VII, Table 3, Column 1, Row 27 |                     |            |                 |                 |

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| 1579                                 | Article 26          | Article 26 | Article 26      |                 |
| Annex VII, Table 3, Column 1, Row 28 |                     |            |                 |                 |
| 1580                                 | Article 27          | Article 27 | Article 27      |                 |
| Annex VII, Table 3, Column 1, Row 29 |                     |            |                 |                 |
| 1581                                 | Article 28          | Article 28 | Article 28      |                 |
| Annex VII, Table 3, Column 1, Row 30 |                     |            |                 |                 |
| 1582                                 | Article 29          | Article 29 | Article 29      |                 |

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| Annex VII, Table 3, Column 1, Row 31 |                     |            |                 |                 |
| 1583                                 | Article 30          | Article 30 | Article 30      |                 |
| Annex VII, Table 3, Column 1, Row 32 |                     |            |                 |                 |
| 1584                                 | Article 31          | Article 31 | Article 31      |                 |
| Annex VII, Table 3, Column 1, Row 33 |                     |            |                 |                 |
| 1585                                 | Article 32          | Article 32 | Article 32      |                 |
| Annex VII, Table 3, Column 1, Row 34 |                     |            |                 |                 |
| 1586                                 | Article 33          | Article 33 | Article 33      |                 |



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|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 1, Row 35 |                     |            |                 |                 |
| 1587                                 | Article 34          | Article 34 | Article 34      |                 |
| Annex VII, Table 3, Column 1, Row 36 |                     |            |                 |                 |
| 1588                                 | Article 35          | Article 35 | Article 35      |                 |
| Annex VII, Table 3, Column 1, Row 37 |                     |            |                 |                 |
| 1589                                 | Article 36          | Article 36 | Article 36      |                 |
| Annex VII, Table 3, Column 1, Row 38 |                     |            |                 |                 |
| 1590                                 |                     |            |                 |                 |

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|                                      | Article 37          | Article 37 | Article 37      |                 |
| Annex VII, Table 3, Column 1, Row 39 |                     |            |                 |                 |
| 1591                                 | Article 38          | Article 38 | Article 38      |                 |
| Annex VII, Table 3, Column 1, Row 40 |                     |            |                 |                 |
| 1592                                 | Article 39          | Article 39 | Article 39      |                 |
| Annex VII, Table 3, Column 1, Row 41 |                     |            |                 |                 |
| 1593                                 | Article 40          | Article 40 | Article 40      |                 |
| Annex VII, Table 3, Column 1, Row 42 |                     |            |                 |                 |

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| 1594                                 | Article 41          | Article 41 | Article 41      |                 |
| Annex VII, Table 3, Column 1, Row 43 |                     |            |                 |                 |
| 1595                                 | Article 42          | Article 42 | Article 42      |                 |
| Annex VII, Table 3, Column 1, Row 44 |                     |            |                 |                 |
| 1596                                 | Article 43          | Article 43 | Article 43      |                 |
| Annex VII, Table 3, Column 1, Row 45 |                     |            |                 |                 |
| 1597                                 | Article 44          | Article 44 | Article 44      |                 |

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| Annex VII, Table 3, Column 1, Row 46 |                     |            |                 |                 |
| 1598                                 | Article 45          | Article 45 | Article 45      |                 |
| Annex VII, Table 3, Column 1, Row 47 |                     |            |                 |                 |
| 1599                                 | Article 46          | Article 46 | Article 46      |                 |
| Annex VII, Table 3, Column 1, Row 48 |                     |            |                 |                 |
| 1600                                 | Article 47          | Article 47 | Article 47      |                 |
| Annex VII, Table 3, Column 1, Row 49 |                     |            |                 |                 |
| 1601                                 | Article 48          | Article 48 | Article 48      |                 |

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|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 1, Row 50 |                     |            |                 |                 |
| 1602                                 | Article 49          | Article 49 | Article 49      |                 |
| Annex VII, Table 3, Column 1, Row 51 |                     |            |                 |                 |
| 1603                                 | Article 50          | Article 50 | Article 50      |                 |
| Annex VII, Table 3, Column 1, Row 52 |                     |            |                 |                 |
| 1604                                 | Article 51          | Article 51 | Article 51      |                 |
| Annex VII, Table 3, Column 1, Row 53 |                     |            |                 |                 |
| 1605                                 |                     |            |                 |                 |

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|                                      | Article 52          | Article 52 | Article 52      |                 |
| Annex VII, Table 3, Column 1, Row 54 |                     |            |                 |                 |
| 1606                                 | Article 53          | Article 53 | Article 53      |                 |
| Annex VII, Table 3, Column 1, Row 55 |                     |            |                 |                 |
| 1607                                 | Article 54          | Article 54 | Article 54      |                 |
| Annex VII, Table 3, Column 1, Row 56 |                     |            |                 |                 |
| 1608                                 | Article 55          | Article 55 | Article 55      |                 |
| Annex VII, Table 3, Column 1, Row 57 |                     |            |                 |                 |

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| 1609                                 | Article 56          | Article 56 | Article 56      |                 |
| Annex VII, Table 3, Column 1, Row 58 |                     |            |                 |                 |
| 1610                                 | Article 57          | Article 57 | Article 57      |                 |
| Annex VII, Table 3, Column 1, Row 59 |                     |            |                 |                 |
| 1611                                 | Article 58          | Article 58 | Article 58      |                 |
| Annex VII, Table 3, Column 1, Row 60 |                     |            |                 |                 |
| 1612                                 | Article 59          | Article 59 | Article 59      |                 |

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| Annex VII, Table 3, Column 1, Row 61 |                     |            |                 |                 |
| 1613                                 | Article 60          | Article 60 | Article 60      |                 |
| Annex VII, Table 3, Column 1, Row 62 |                     |            |                 |                 |
| 1614                                 | Article 61          | Article 61 | Article 61      |                 |
| Annex VII, Table 3, Column 1, Row 63 |                     |            |                 |                 |
| 1615                                 | Article 62          | Article 62 | Article 62      |                 |
| Annex VII, Table 3, Column 1, Row 64 |                     |            |                 |                 |
| 1616                                 | Article 63          | Article 63 | Article 63      |                 |



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|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 1, Row 65 |                     |            |                 |                 |
| 1617                                 | Article 64          | Article 64 | Article 64      |                 |
| Annex VII, Table 3, Column 1, Row 66 |                     |            |                 |                 |
| 1618                                 | Article 65          | Article 65 | Article 65      |                 |
| Annex VII, Table 3, Column 1, Row 67 |                     |            |                 |                 |
| 1619                                 | Article 66          | Article 66 | Article 66      |                 |
| Annex VII, Table 3, Column 1, Row 68 |                     |            |                 |                 |
| 1620                                 |                     |            |                 |                 |

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|                                      | Article 67          | Article 67      | Article 67      |                 |
| Annex VII, Table 3, Column 1, Row 69 |                     |                 |                 |                 |
| 1621                                 | Article 68          | Article 68      | Article 68      |                 |
| Annex VII, Table 3, Column 2, Row 1  |                     |                 |                 |                 |
| 1622                                 | This Regulation     | This Regulation | This Regulation |                 |
| Annex VII, Table 3, Column 2, Row 2  |                     |                 |                 |                 |
| 1623                                 | Article 1           | Article 1       | Article 1       |                 |
| Annex VII, Table 3, Column 2, Row 3  |                     |                 |                 |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-------------------------------------|---------------------|------------|-----------------|-----------------|
| 1624                                | Article 3           | Article 3  | Article 3       |                 |
| Annex VII, Table 3, Column 2, Row 4 |                     |            |                 |                 |
| 1625                                | Article 4           | Article 4  | Article 4       |                 |
| Annex VII, Table 3, Column 2, Row 5 |                     |            |                 |                 |
| 1626                                | Article 9           | Article 9  | Article 9       |                 |
| Annex VII, Table 3, Column 2, Row 6 |                     |            |                 |                 |
| 1627                                | Article 10          | Article 10 | Article 10      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 3, Column 2, Row 7  |                     |            |                 |                 |
| 1628                                 | Article 11          | Article 11 | Article 11      |                 |
| Annex VII, Table 3, Column 2, Row 8  |                     |            |                 |                 |
| 1629                                 | Article 15          | Article 15 | Article 15      |                 |
| Annex VII, Table 3, Column 2, Row 9  |                     |            |                 |                 |
| 1630                                 | Article 16          | Article 16 | Article 16      |                 |
| Annex VII, Table 3, Column 2, Row 10 |                     |            |                 |                 |
| 1631                                 | Article 17          | Article 17 | Article 17      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 11 |                     |            |                 |                 |
| 1632                                 | Article 79          | Article 79 | Article 79      |                 |
| Annex VII, Table 3, Column 2, Row 12 |                     |            |                 |                 |
| 1633                                 | Article 22          | Article 22 | Article 22      |                 |
| Annex VII, Table 3, Column 2, Row 13 |                     |            |                 |                 |
| 1634                                 | Article 23          | Article 23 | Article 23      |                 |
| Annex VII, Table 3, Column 2, Row 14 |                     |            |                 |                 |
| 1635                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 24          | Article 24 | Article 24      |                 |
| Annex VII, Table 3, Column 2, Row 15 |                     |            |                 |                 |
| 1636                                 | Article 25          | Article 25 | Article 25      |                 |
| Annex VII, Table 3, Column 2, Row 16 |                     |            |                 |                 |
| 1637                                 | Article 26          | Article 26 | Article 26      |                 |
| Annex VII, Table 3, Column 2, Row 17 |                     |            |                 |                 |
| 1638                                 | Article 30          | Article 30 | Article 30      |                 |
| Annex VII, Table 3, Column 2, Row 18 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1639                                 | Article 34          | Article 34 | Article 34      |                 |
| Annex VII, Table 3, Column 2, Row 19 |                     |            |                 |                 |
| 1640                                 | Article 34          | Article 34 | Article 34      |                 |
| Annex VII, Table 3, Column 2, Row 20 |                     |            |                 |                 |
| 1641                                 | Article 35          | Article 35 | Article 35      |                 |
| Annex VII, Table 3, Column 2, Row 21 |                     |            |                 |                 |
| 1642                                 | Article 36          | Article 36 | Article 36      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 3, Column 2, Row 22 |                     |            |                 |                 |
| 1643                                 | Article 37          | Article 37 | Article 37      |                 |
| Annex VII, Table 3, Column 2, Row 23 |                     |            |                 |                 |
| 1644                                 | Article 38          | Article 38 | Article 38      |                 |
| Annex VII, Table 3, Column 2, Row 24 |                     |            |                 |                 |
| 1645                                 | Article 39          | Article 39 | Article 39      |                 |
| Annex VII, Table 3, Column 2, Row 25 |                     |            |                 |                 |
| 1646                                 | Article 40          | Article 40 | Article 40      |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 26 |                     |            |                 |                 |
| 1647                                 | Article 41          | Article 41 | Article 41      |                 |
| Annex VII, Table 3, Column 2, Row 27 |                     |            |                 |                 |
| 1648                                 | Article 42          | Article 42 | Article 42      |                 |
| Annex VII, Table 3, Column 2, Row 28 |                     |            |                 |                 |
| 1649                                 |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 29 |                     |            |                 |                 |
| 1650                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 6           | Article 6  | Article 6       |                 |
| Annex VII, Table 3, Column 2, Row 30 |                     |            |                 |                 |
| 1651                                 | Article 44          | Article 44 | Article 44      |                 |
| Annex VII, Table 3, Column 2, Row 31 |                     |            |                 |                 |
| 1652                                 | Article 45          | Article 45 | Article 45      |                 |
| Annex VII, Table 3, Column 2, Row 32 |                     |            |                 |                 |
| 1653                                 | Article 46          | Article 46 | Article 46      |                 |
| Annex VII, Table 3, Column 2, Row 33 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1654                                 |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 34 |                     |            |                 |                 |
| 1655                                 |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 35 |                     |            |                 |                 |
| 1656                                 |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 36 |                     |            |                 |                 |
| 1657                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate        | Council Mandate   | Draft Agreement |
|--------------------------------------|---------------------|-------------------|-------------------|-----------------|
| Annex VII, Table 3, Column 2, Row 37 |                     |                   |                   |                 |
| 1658                                 | Article 64          | Article 64        | Article 64        |                 |
| Annex VII, Table 3, Column 2, Row 38 |                     |                   |                   |                 |
| 1659                                 | Article 65 and 67   | Article 65 and 67 | Article 65 and 67 |                 |
| Annex VII, Table 3, Column 2, Row 39 |                     |                   |                   |                 |
| 1660                                 | Article 66          | Article 66        | Article 66        |                 |
| Annex VII, Table 3, Column 2, Row 40 |                     |                   |                   |                 |
| 1661                                 | Article 47          | Article 47        | Article 47        |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 41 |                     |            |                 |                 |
| 1662                                 | Article 48          | Article 48 | Article 48      |                 |
| Annex VII, Table 3, Column 2, Row 42 |                     |            |                 |                 |
| 1663                                 | Article 49          | Article 49 | Article 49      |                 |
| Annex VII, Table 3, Column 2, Row 43 |                     |            |                 |                 |
| 1664                                 | Article 47          | Article 47 | Article 47      |                 |
| Annex VII, Table 3, Column 2, Row 44 |                     |            |                 |                 |
| 1665                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 50          | Article 50 | Article 50      |                 |
| Annex VII, Table 3, Column 2, Row 45 |                     |            |                 |                 |
| 1666                                 | Article 51          | Article 51 | Article 51      |                 |
| Annex VII, Table 3, Column 2, Row 46 |                     |            |                 |                 |
| 1667                                 | Article 53          | Article 53 | Article 53      |                 |
| Annex VII, Table 3, Column 2, Row 47 |                     |            |                 |                 |
| 1668                                 | Article 54          | Article 54 | Article 54      |                 |
| Annex VII, Table 3, Column 2, Row 48 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1669                                 | Article 55          | Article 55 | Article 55      |                 |
| Annex VII, Table 3, Column 2, Row 49 |                     |            |                 |                 |
| 1670                                 | Article 56          | Article 56 | Article 56      |                 |
| Annex VII, Table 3, Column 2, Row 50 |                     |            |                 |                 |
| 1671                                 | Article 57          | Article 57 | Article 57      |                 |
| Annex VII, Table 3, Column 2, Row 51 |                     |            |                 |                 |
| 1672                                 | Article 58          | Article 58 | Article 58      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 3, Column 2, Row 52 |                     |            |                 |                 |
| 1673                                 | Article 59          | Article 59 | Article 59      |                 |
| Annex VII, Table 3, Column 2, Row 53 |                     |            |                 |                 |
| 1674                                 | Article 60          | Article 60 | Article 60      |                 |
| Annex VII, Table 3, Column 2, Row 54 |                     |            |                 |                 |
| 1675                                 | Article 61          | Article 61 | Article 61      |                 |
| Annex VII, Table 3, Column 2, Row 55 |                     |            |                 |                 |
| 1676                                 | Article 48          | Article 48 | Article 48      |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 3, Column 2, Row 56 |                     |            |                 |                 |
| 1677                                 | Article 63          | Article 63 | Article 63      |                 |
| Annex VII, Table 3, Column 2, Row 57 |                     |            |                 |                 |
| 1678                                 | Article 70          | Article 70 | Article 70      |                 |
| Annex VII, Table 3, Column 2, Row 58 |                     |            |                 |                 |
| 1679                                 | Article 71          | Article 71 | Article 71      |                 |
| Annex VII, Table 3, Column 2, Row 59 |                     |            |                 |                 |
| 1680                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 72          | Article 72 | Article 72      |                 |
| Annex VII, Table 3, Column 2, Row 60 |                     |            |                 |                 |
| 1681                                 | Article 70          | Article 70 | Article 70      |                 |
| Annex VII, Table 3, Column 2, Row 61 |                     |            |                 |                 |
| 1682                                 | Article 86          | Article 86 | Article 86      |                 |
| Annex VII, Table 3, Column 2, Row 62 |                     |            |                 |                 |
| 1683                                 | Article 86          | Article 86 | Article 86      |                 |
| Annex VII, Table 3, Column 2, Row 63 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1684                                 | Article 86          | Article 86 | Article 86      |                 |
| Annex VII, Table 3, Column 2, Row 64 |                     |            |                 |                 |
| 1685                                 | Article 86          | Article 86 | Article 86      |                 |
| Annex VII, Table 3, Column 2, Row 65 |                     |            |                 |                 |
| 1686                                 | Article 88          | Article 88 | Article 88      |                 |
| Annex VII, Table 3, Column 2, Row 66 |                     |            |                 |                 |
| 1687                                 | Article 92          | Article 92 | Article 92      |                 |

|                                      | Commission Proposal        | EP Mandate                 | Council Mandate            | Draft Agreement |
|--------------------------------------|----------------------------|----------------------------|----------------------------|-----------------|
| Annex VII, Table 3, Column 2, Row 67 |                            |                            |                            |                 |
| 1688                                 | Article 93                 | Article 93                 | Article 93                 |                 |
| Annex VII, Table 3, Column 2, Row 68 |                            |                            |                            |                 |
| 1689                                 |                            |                            |                            |                 |
| Annex VII, Table 3, Column 2, Row 69 |                            |                            |                            |                 |
| 1690                                 | Article 94                 | Article 94                 | Article 94                 |                 |
| Annex VII, second paragraph          |                            |                            |                            |                 |
| 1691                                 | Table 2: this Regulation > | Table 2: this Regulation > | Table 2: this Regulation > |                 |

|                                     | Commission Proposal      | EP Mandate               | Council Mandate          | Draft Agreement |
|-------------------------------------|--------------------------|--------------------------|--------------------------|-----------------|
|                                     | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 |                 |
| Annex VII, Table 4, Column 1, Row 1 |                          |                          |                          |                 |
| 1692                                | This Regulation          | This Regulation          | This Regulation          |                 |
| Annex VII, Table 4, Column 1, Row 2 |                          |                          |                          |                 |
| 1693                                | Article 1                | Article 1                | Article 1                |                 |
| Annex VII, Table 4, Column 1, Row 3 |                          |                          |                          |                 |
| 1694                                | Article 2                | Article 2                | Article 2                |                 |
| Annex VII, Table 4, Column 1, Row 4 |                          |                          |                          |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-------------------------------------|---------------------|------------|-----------------|-----------------|
| 1695                                | Article 3           | Article 3  | Article 3       |                 |
| Annex VII, Table 4, Column 1, Row 5 |                     |            |                 |                 |
| 1696                                | Article 4           | Article 4  | Article 4       |                 |
| Annex VII, Table 4, Column 1, Row 6 |                     |            |                 |                 |
| 1697                                | Article 5           | Article 5  | Article 5       |                 |
| Annex VII, Table 4, Column 1, Row 7 |                     |            |                 |                 |
| 1698                                | Article 6           | Article 6  | Article 6       |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 8  |                     |            |                 |                 |
| 1699                                 | Article 7           | Article 7  | Article 7       |                 |
| Annex VII, Table 4, Column 1, Row 9  |                     |            |                 |                 |
| 1700                                 | Article 8           | Article 8  | Article 8       |                 |
| Annex VII, Table 4, Column 1, Row 10 |                     |            |                 |                 |
| 1701                                 | Article 9           | Article 9  | Article 9       |                 |
| Annex VII, Table 4, Column 1, Row 11 |                     |            |                 |                 |
| 1702                                 | Article 10          | Article 10 | Article 10      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 12 |                     |            |                 |                 |
| 1703                                 | Article 11          | Article 11 | Article 11      |                 |
| Annex VII, Table 4, Column 1, Row 13 |                     |            |                 |                 |
| 1704                                 | Article 12          | Article 12 | Article 12      |                 |
| Annex VII, Table 4, Column 1, Row 14 |                     |            |                 |                 |
| 1705                                 | Article 13          | Article 13 | Article 13      |                 |
| Annex VII, Table 4, Column 1, Row 15 |                     |            |                 |                 |
| 1706                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 14          | Article 14 | Article 14      |                 |
| Annex VII, Table 4, Column 1, Row 16 |                     |            |                 |                 |
| 1707                                 | Article 15          | Article 15 | Article 15      |                 |
| Annex VII, Table 4, Column 1, Row 17 |                     |            |                 |                 |
| 1708                                 | Article 16          | Article 16 | Article 16      |                 |
| Annex VII, Table 4, Column 1, Row 18 |                     |            |                 |                 |
| 1709                                 | Article 17          | Article 17 | Article 17      |                 |
| Annex VII, Table 4, Column 1, Row 19 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1710                                 | Article 18          | Article 18 | Article 18      |                 |
| Annex VII, Table 4, Column 1, Row 20 |                     |            |                 |                 |
| 1711                                 | Article 19          | Article 19 | Article 19      |                 |
| Annex VII, Table 4, Column 1, Row 21 |                     |            |                 |                 |
| 1712                                 | Article 20          | Article 20 | Article 20      |                 |
| Annex VII, Table 4, Column 1, Row 22 |                     |            |                 |                 |
| 1713                                 | Article 21          | Article 21 | Article 21      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 23 |                     |            |                 |                 |
| 1714                                 | Article 22          | Article 22 | Article 22      |                 |
| Annex VII, Table 4, Column 1, Row 24 |                     |            |                 |                 |
| 1715                                 | Article 23          | Article 23 | Article 23      |                 |
| Annex VII, Table 4, Column 1, Row 25 |                     |            |                 |                 |
| 1716                                 | Article 24          | Article 24 | Article 24      |                 |
| Annex VII, Table 4, Column 1, Row 26 |                     |            |                 |                 |
| 1717                                 | Article 25          | Article 25 | Article 25      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 27 |                     |            |                 |                 |
| 1718                                 | Article 26          | Article 26 | Article 26      |                 |
| Annex VII, Table 4, Column 1, Row 28 |                     |            |                 |                 |
| 1719                                 | Article 27          | Article 27 | Article 27      |                 |
| Annex VII, Table 4, Column 1, Row 29 |                     |            |                 |                 |
| 1720                                 | Article 28          | Article 28 | Article 28      |                 |
| Annex VII, Table 4, Column 1, Row 30 |                     |            |                 |                 |
| 1721                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 29          | Article 29 | Article 29      |                 |
| Annex VII, Table 4, Column 1, Row 31 |                     |            |                 |                 |
| 1722                                 | Article 30          | Article 30 | Article 30      |                 |
| Annex VII, Table 4, Column 1, Row 32 |                     |            |                 |                 |
| 1723                                 | Article 31          | Article 31 | Article 31      |                 |
| Annex VII, Table 4, Column 1, Row 33 |                     |            |                 |                 |
| 1724                                 | Article 32          | Article 32 | Article 32      |                 |
| Annex VII, Table 4, Column 1, Row 34 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1725                                 | Article 33          | Article 33 | Article 33      |                 |
| Annex VII, Table 4, Column 1, Row 35 |                     |            |                 |                 |
| 1726                                 | Article 34          | Article 34 | Article 34      |                 |
| Annex VII, Table 4, Column 1, Row 36 |                     |            |                 |                 |
| 1727                                 | Article 35          | Article 35 | Article 35      |                 |
| Annex VII, Table 4, Column 1, Row 37 |                     |            |                 |                 |
| 1728                                 | Article 36          | Article 36 | Article 36      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 38 |                     |            |                 |                 |
| 1729                                 | Article 37          | Article 37 | Article 37      |                 |
| Annex VII, Table 4, Column 1, Row 39 |                     |            |                 |                 |
| 1730                                 | Article 38          | Article 38 | Article 38      |                 |
| Annex VII, Table 4, Column 1, Row 40 |                     |            |                 |                 |
| 1731                                 | Article 39          | Article 39 | Article 39      |                 |
| Annex VII, Table 4, Column 1, Row 41 |                     |            |                 |                 |
| 1732                                 | Article 40          | Article 40 | Article 40      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 42 |                     |            |                 |                 |
| 1733                                 | Article 41          | Article 41 | Article 41      |                 |
| Annex VII, Table 4, Column 1, Row 43 |                     |            |                 |                 |
| 1734                                 | Article 42          | Article 42 | Article 42      |                 |
| Annex VII, Table 4, Column 1, Row 44 |                     |            |                 |                 |
| 1735                                 | Article 43          | Article 43 | Article 43      |                 |
| Annex VII, Table 4, Column 1, Row 45 |                     |            |                 |                 |
| 1736                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 44          | Article 44 | Article 44      |                 |
| Annex VII, Table 4, Column 1, Row 46 |                     |            |                 |                 |
| 1737                                 | Article 45          | Article 45 | Article 45      |                 |
| Annex VII, Table 4, Column 1, Row 47 |                     |            |                 |                 |
| 1738                                 | Article 46          | Article 46 | Article 46      |                 |
| Annex VII, Table 4, Column 1, Row 48 |                     |            |                 |                 |
| 1739                                 | Article 47          | Article 47 | Article 47      |                 |
| Annex VII, Table 4, Column 1, Row 49 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1740                                 | Article 48          | Article 48 | Article 48      |                 |
| Annex VII, Table 4, Column 1, Row 50 |                     |            |                 |                 |
| 1741                                 | Article 49          | Article 49 | Article 49      |                 |
| Annex VII, Table 4, Column 1, Row 51 |                     |            |                 |                 |
| 1742                                 | Article 50          | Article 50 | Article 50      |                 |
| Annex VII, Table 4, Column 1, Row 52 |                     |            |                 |                 |
| 1743                                 | Article 51          | Article 51 | Article 51      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 53 |                     |            |                 |                 |
| 1744                                 | Article 52          | Article 52 | Article 52      |                 |
| Annex VII, Table 4, Column 1, Row 54 |                     |            |                 |                 |
| 1745                                 | Article 53          | Article 53 | Article 53      |                 |
| Annex VII, Table 4, Column 1, Row 55 |                     |            |                 |                 |
| 1746                                 | Article 54          | Article 54 | Article 54      |                 |
| Annex VII, Table 4, Column 1, Row 56 |                     |            |                 |                 |
| 1747                                 | Article 55          | Article 55 | Article 55      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 57 |                     |            |                 |                 |
| 1748                                 | Article 56          | Article 56 | Article 56      |                 |
| Annex VII, Table 4, Column 1, Row 58 |                     |            |                 |                 |
| 1749                                 | Article 57          | Article 57 | Article 57      |                 |
| Annex VII, Table 4, Column 1, Row 59 |                     |            |                 |                 |
| 1750                                 | Article 58          | Article 58 | Article 58      |                 |
| Annex VII, Table 4, Column 1, Row 60 |                     |            |                 |                 |
| 1751                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 59          | Article 59 | Article 59      |                 |
| Annex VII, Table 4, Column 1, Row 61 |                     |            |                 |                 |
| 1752                                 | Article 60          | Article 60 | Article 60      |                 |
| Annex VII, Table 4, Column 1, Row 62 |                     |            |                 |                 |
| 1753                                 | Article 61          | Article 61 | Article 61      |                 |
| Annex VII, Table 4, Column 1, Row 63 |                     |            |                 |                 |
| 1754                                 | Article 62          | Article 62 | Article 62      |                 |
| Annex VII, Table 4, Column 1, Row 64 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1755                                 | Article 63          | Article 63 | Article 63      |                 |
| Annex VII, Table 4, Column 1, Row 65 |                     |            |                 |                 |
| 1756                                 | Article 64          | Article 64 | Article 64      |                 |
| Annex VII, Table 4, Column 1, Row 66 |                     |            |                 |                 |
| 1757                                 | Article 65          | Article 65 | Article 65      |                 |
| Annex VII, Table 4, Column 1, Row 67 |                     |            |                 |                 |
| 1758                                 | Article 66          | Article 66 | Article 66      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 68 |                     |            |                 |                 |
| 1759                                 | Article 67          | Article 67 | Article 67      |                 |
| Annex VII, Table 4, Column 1, Row 69 |                     |            |                 |                 |
| 1760                                 | Article 68          | Article 68 | Article 68      |                 |
| Annex VII, Table 4, Column 1, Row 70 |                     |            |                 |                 |
| 1761                                 | Article 69          | Article 69 | Article 69      |                 |
| Annex VII, Table 4, Column 1, Row 71 |                     |            |                 |                 |
| 1762                                 | Article 70          | Article 70 | Article 70      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 72 |                     |            |                 |                 |
| 1763                                 | Article 71          | Article 71 | Article 71      |                 |
| Annex VII, Table 4, Column 1, Row 73 |                     |            |                 |                 |
| 1764                                 | Article 72          | Article 72 | Article 72      |                 |
| Annex VII, Table 4, Column 1, Row 74 |                     |            |                 |                 |
| 1765                                 | Article 73          | Article 73 | Article 73      |                 |
| Annex VII, Table 4, Column 1, Row 75 |                     |            |                 |                 |
| 1766                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 74          | Article 74 | Article 74      |                 |
| Annex VII, Table 4, Column 1, Row 76 |                     |            |                 |                 |
| 1767                                 | Article 75          | Article 75 | Article 75      |                 |
| Annex VII, Table 4, Column 1, Row 77 |                     |            |                 |                 |
| 1768                                 | Article 76          | Article 76 | Article 76      |                 |
| Annex VII, Table 4, Column 1, Row 78 |                     |            |                 |                 |
| 1769                                 | Article 77          | Article 77 | Article 77      |                 |
| Annex VII, Table 4, Column 1, Row 79 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1770                                 | Article 78          | Article 78 | Article 78      |                 |
| Annex VII, Table 4, Column 1, Row 80 |                     |            |                 |                 |
| 1771                                 | Article 79          | Article 79 | Article 79      |                 |
| Annex VII, Table 4, Column 1, Row 81 |                     |            |                 |                 |
| 1772                                 | Article 80          | Article 80 | Article 80      |                 |
| Annex VII, Table 4, Column 1, Row 82 |                     |            |                 |                 |
| 1773                                 | Article 81          | Article 81 | Article 81      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 1, Row 83 |                     |            |                 |                 |
| 1774                                 | Article 82          | Article 82 | Article 82      |                 |
| Annex VII, Table 4, Column 1, Row 84 |                     |            |                 |                 |
| 1775                                 | Article 83          | Article 83 | Article 83      |                 |
| Annex VII, Table 4, Column 1, Row 85 |                     |            |                 |                 |
| 1776                                 | Article 84          | Article 84 | Article 84      |                 |
| Annex VII, Table 4, Column 1, Row 86 |                     |            |                 |                 |
| 1777                                 | Article 85          | Article 85 | Article 85      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 1, Row 87 |                     |            |                 |                 |
| 1778                                 | Article 86          | Article 86 | Article 86      |                 |
| Annex VII, Table 4, Column 1, Row 88 |                     |            |                 |                 |
| 1779                                 | Article 87          | Article 87 | Article 87      |                 |
| Annex VII, Table 4, Column 1, Row 89 |                     |            |                 |                 |
| 1780                                 | Article 88          | Article 88 | Article 88      |                 |
| Annex VII, Table 4, Column 1, Row 90 |                     |            |                 |                 |
| 1781                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 89          | Article 89 | Article 89      |                 |
| Annex VII, Table 4, Column 1, Row 91 |                     |            |                 |                 |
| 1782                                 | Article 90          | Article 90 | Article 90      |                 |
| Annex VII, Table 4, Column 1, Row 92 |                     |            |                 |                 |
| 1783                                 | Article 91          | Article 91 | Article 91      |                 |
| Annex VII, Table 4, Column 1, Row 93 |                     |            |                 |                 |
| 1784                                 | Article 92          | Article 92 | Article 92      |                 |
| Annex VII, Table 4, Column 1, Row 94 |                     |            |                 |                 |

|                                      | Commission Proposal      | EP Mandate               | Council Mandate          | Draft Agreement |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-----------------|
| 1785                                 | Article 93               | Article 93               | Article 93               |                 |
| Annex VII, Table 4, Column 1, Row 95 |                          |                          |                          |                 |
| 1786                                 | Article 94               | Article 94               | Article 94               |                 |
| Annex VII, Table 4, Column 2, Row 1  |                          |                          |                          |                 |
| 1787                                 | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 | Regulation (EU) 305/2011 |                 |
| Annex VII, Table 4, Column 2, Row 2  |                          |                          |                          |                 |
| 1788                                 | Article 1                | Article 1                | Article 1                |                 |

|                                     | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|-------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 2, Row 3 |                     |            |                 |                 |
| 1789                                |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 4 |                     |            |                 |                 |
| 1790                                | Article 2           | Article 2  | Article 2       |                 |
| Annex VII, Table 4, Column 2, Row 5 |                     |            |                 |                 |
| 1791                                | Article 3           | Article 3  | Article 3       |                 |
| Annex VII, Table 4, Column 2, Row 6 |                     |            |                 |                 |
| 1792                                |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 7  |                     |            |                 |                 |
| 1793                                 | Article 28          | Article 28 | Article 28      |                 |
| Annex VII, Table 4, Column 2, Row 8  |                     |            |                 |                 |
| 1794                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 9  |                     |            |                 |                 |
| 1795                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 10 |                     |            |                 |                 |
| 1796                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 4           | Article 4  | Article 4       |                 |
| Annex VII, Table 4, Column 2, Row 11 |                     |            |                 |                 |
| 1797                                 | Article 5           | Article 5  | Article 5       |                 |
| Annex VII, Table 4, Column 2, Row 12 |                     |            |                 |                 |
| 1798                                 | Article 6           | Article 6  | Article 6       |                 |
| Annex VII, Table 4, Column 2, Row 13 |                     |            |                 |                 |
| 1799                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 14 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1800                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 15 |                     |            |                 |                 |
| 1801                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 16 |                     |            |                 |                 |
| 1802                                 | Article 7           | Article 7  | Article 7       |                 |
| Annex VII, Table 4, Column 2, Row 17 |                     |            |                 |                 |
| 1803                                 | Article 8           | Article 8  | Article 8       |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 2, Row 18 |                     |            |                 |                 |
| 1804                                 | Article 9           | Article 9  | Article 9       |                 |
| Annex VII, Table 4, Column 2, Row 19 |                     |            |                 |                 |
| 1805                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 20 |                     |            |                 |                 |
| 1806                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 21 |                     |            |                 |                 |
| 1807                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 22 |                     |            |                 |                 |
| 1808                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 23 |                     |            |                 |                 |
| 1809                                 | Article 11          | Article 11 | Article 11      |                 |
| Annex VII, Table 4, Column 2, Row 24 |                     |            |                 |                 |
| 1810                                 | Article 12          | Article 12 | Article 12      |                 |
| Annex VII, Table 4, Column 2, Row 25 |                     |            |                 |                 |
| 1811                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 13          | Article 13 | Article 13      |                 |
| Annex VII, Table 4, Column 2, Row 26 |                     |            |                 |                 |
| 1812                                 | Article 14          | Article 14 | Article 14      |                 |
| Annex VII, Table 4, Column 2, Row 27 |                     |            |                 |                 |
| 1813                                 | Article 15          | Article 15 | Article 15      |                 |
| Annex VII, Table 4, Column 2, Row 28 |                     |            |                 |                 |
| 1814                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 29 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1815                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 30 |                     |            |                 |                 |
| 1816                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 31 |                     |            |                 |                 |
| 1817                                 | Article 16          | Article 16 | Article 16      |                 |
| Annex VII, Table 4, Column 2, Row 32 |                     |            |                 |                 |
| 1818                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate        | Council Mandate   | Draft Agreement |
|--------------------------------------|---------------------|-------------------|-------------------|-----------------|
| Annex VII, Table 4, Column 2, Row 33 |                     |                   |                   |                 |
| 1819                                 |                     |                   |                   |                 |
| Annex VII, Table 4, Column 2, Row 34 |                     |                   |                   |                 |
| 1820                                 |                     |                   |                   |                 |
| Annex VII, Table 4, Column 2, Row 35 |                     |                   |                   |                 |
| 1821                                 | Article 17 and 18   | Article 17 and 18 | Article 17 and 18 |                 |
| Annex VII, Table 4, Column 2, Row 36 |                     |                   |                   |                 |
| 1822                                 | Article 19          | Article 19        | Article 19        |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 37 |                     |            |                 |                 |
| 1823                                 | Article 20          | Article 20 | Article 20      |                 |
| Annex VII, Table 4, Column 2, Row 38 |                     |            |                 |                 |
| 1824                                 | Article 21          | Article 21 | Article 21      |                 |
| Annex VII, Table 4, Column 2, Row 39 |                     |            |                 |                 |
| 1825                                 | Article 22          | Article 22 | Article 22      |                 |
| Annex VII, Table 4, Column 2, Row 40 |                     |            |                 |                 |
| 1826                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 23          | Article 23 | Article 23      |                 |
| Annex VII, Table 4, Column 2, Row 41 |                     |            |                 |                 |
| 1827                                 | Article 24          | Article 24 | Article 24      |                 |
| Annex VII, Table 4, Column 2, Row 42 |                     |            |                 |                 |
| 1828                                 | Article 25          | Article 25 | Article 25      |                 |
| Annex VII, Table 4, Column 2, Row 43 |                     |            |                 |                 |
| 1829                                 | Article 26          | Article 26 | Article 26      |                 |
| Annex VII, Table 4, Column 2, Row 44 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1830                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 45 |                     |            |                 |                 |
| 1831                                 | Article 29          | Article 29 | Article 29      |                 |
| Annex VII, Table 4, Column 2, Row 46 |                     |            |                 |                 |
| 1832                                 | Article 30          | Article 30 | Article 30      |                 |
| Annex VII, Table 4, Column 2, Row 47 |                     |            |                 |                 |
| 1833                                 | Article 31          | Article 31 | Article 31      |                 |

|                                      | Commission Proposal | EP Mandate        | Council Mandate   | Draft Agreement |
|--------------------------------------|---------------------|-------------------|-------------------|-----------------|
| Annex VII, Table 4, Column 2, Row 48 |                     |                   |                   |                 |
| 1834                                 | Article 39 and 42   | Article 39 and 42 | Article 39 and 42 |                 |
| Annex VII, Table 4, Column 2, Row 49 |                     |                   |                   |                 |
| 1835                                 | Article 40 and 54   | Article 40 and 54 | Article 40 and 54 |                 |
| Annex VII, Table 4, Column 2, Row 50 |                     |                   |                   |                 |
| 1836                                 | Article 41          | Article 41        | Article 41        |                 |
| Annex VII, Table 4, Column 2, Row 51 |                     |                   |                   |                 |
| 1837                                 | Article 43          | Article 43        | Article 43        |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 52 |                     |            |                 |                 |
| 1838                                 | Article 44          | Article 44 | Article 44      |                 |
| Annex VII, Table 4, Column 2, Row 53 |                     |            |                 |                 |
| 1839                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 54 |                     |            |                 |                 |
| 1840                                 | Article 45          | Article 45 | Article 45      |                 |
| Annex VII, Table 4, Column 2, Row 55 |                     |            |                 |                 |
| 1841                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      | Article 46          | Article 46 | Article 46      |                 |
| Annex VII, Table 4, Column 2, Row 56 |                     |            |                 |                 |
| 1842                                 | Article 47          | Article 47 | Article 47      |                 |
| Annex VII, Table 4, Column 2, Row 57 |                     |            |                 |                 |
| 1843                                 | Article 48          | Article 48 | Article 48      |                 |
| Annex VII, Table 4, Column 2, Row 58 |                     |            |                 |                 |
| 1844                                 | Article 49          | Article 49 | Article 49      |                 |
| Annex VII, Table 4, Column 2, Row 59 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1845                                 | Article 50          | Article 50 | Article 50      |                 |
| Annex VII, Table 4, Column 2, Row 60 |                     |            |                 |                 |
| 1846                                 | Article 51          | Article 51 | Article 51      |                 |
| Annex VII, Table 4, Column 2, Row 61 |                     |            |                 |                 |
| 1847                                 | Article 52          | Article 52 | Article 52      |                 |
| Annex VII, Table 4, Column 2, Row 62 |                     |            |                 |                 |
| 1848                                 | Article 53          | Article 53 | Article 53      |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 2, Row 63 |                     |            |                 |                 |
| 1849                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 64 |                     |            |                 |                 |
| 1850                                 | Article 55          | Article 55 | Article 55      |                 |
| Annex VII, Table 4, Column 2, Row 65 |                     |            |                 |                 |
| 1851                                 | Article 36          | Article 36 | Article 36      |                 |
| Annex VII, Table 4, Column 2, Row 66 |                     |            |                 |                 |
| 1852                                 | Article 37          | Article 37 | Article 37      |                 |

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|--------------------------------------|---------------------|------------|-----------------|-----------------|
|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 67 |                     |            |                 |                 |
| 1853                                 | Article 38          | Article 38 | Article 38      |                 |
| Annex VII, Table 4, Column 2, Row 68 |                     |            |                 |                 |
| 1854                                 | Article 37          | Article 37 | Article 37      |                 |
| Annex VII, Table 4, Column 2, Row 69 |                     |            |                 |                 |
| 1855                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 70 |                     |            |                 |                 |
| 1856                                 |                     |            |                 |                 |



|                                      | Commission Proposal | EP Mandate        | Council Mandate   | Draft Agreement |
|--------------------------------------|---------------------|-------------------|-------------------|-----------------|
|                                      |                     |                   |                   |                 |
| Annex VII, Table 4, Column 2, Row 71 |                     |                   |                   |                 |
| 1857                                 | Article 56 and 59   | Article 56 and 59 | Article 56 and 59 |                 |
| Annex VII, Table 4, Column 2, Row 72 |                     |                   |                   |                 |
| 1858                                 | Article 57          | Article 57        | Article 57        |                 |
| Annex VII, Table 4, Column 2, Row 73 |                     |                   |                   |                 |
| 1859                                 | Article 58          | Article 58        | Article 58        |                 |
| Annex VII, Table 4, Column 2, Row 74 |                     |                   |                   |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1860                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 75 |                     |            |                 |                 |
| 1861                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 76 |                     |            |                 |                 |
| 1862                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 77 |                     |            |                 |                 |
| 1863                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 2, Row 78 |                     |            |                 |                 |
| 1864                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 79 |                     |            |                 |                 |
| 1865                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 80 |                     |            |                 |                 |
| 1866                                 | Article 10          | Article 10 | Article 10      |                 |
| Annex VII, Table 4, Column 2, Row 81 |                     |            |                 |                 |
| 1867                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
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|                                      |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 82 |                     |            |                 |                 |
| 1868                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 83 |                     |            |                 |                 |
| 1869                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 84 |                     |            |                 |                 |
| 1870                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 85 |                     |            |                 |                 |
| 1871                                 |                     |            |                 |                 |

|                                      | Commission Proposal       | EP Mandate                | Council Mandate           | Draft Agreement |
|--------------------------------------|---------------------------|---------------------------|---------------------------|-----------------|
|                                      |                           |                           |                           |                 |
| Annex VII, Table 4, Column 2, Row 86 |                           |                           |                           |                 |
| 1872                                 |                           |                           |                           |                 |
| Annex VII, Table 4, Column 2, Row 87 |                           |                           |                           |                 |
| 1873                                 | Article 60, 61, 62 and 63 | Article 60, 61, 62 and 63 | Article 60, 61, 62 and 63 |                 |
| Annex VII, Table 4, Column 2, Row 88 |                           |                           |                           |                 |
| 1874                                 |                           |                           |                           |                 |
| Annex VII, Table 4, Column 2, Row 89 |                           |                           |                           |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| 1875                                 | Article 64          | Article 64 | Article 64      |                 |
| Annex VII, Table 4, Column 2, Row 90 |                     |            |                 |                 |
| 1876                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 91 |                     |            |                 |                 |
| 1877                                 |                     |            |                 |                 |
| Annex VII, Table 4, Column 2, Row 92 |                     |            |                 |                 |
| 1878                                 |                     |            |                 |                 |

|                                      | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|--------------------------------------|---------------------|------------|-----------------|-----------------|
| Annex VII, Table 4, Column 2, Row 93 |                     |            |                 |                 |
| 1879                                 | Article 65          | Article 65 | Article 65      |                 |
| Annex VII, Table 4, Column 2, Row 94 |                     |            |                 |                 |
| 1880                                 | Article 66          | Article 66 | Article 66      |                 |
| Annex VII, Table 4, Column 2, Row 95 |                     |            |                 |                 |
| 1881                                 | Article 68          | Article 68 | Article 68      |                 |