**Question for written answer E-001233/2018**

**to the Commission**

Rule 130

**Esther de Lange (PPE)**

Subject: Enforcement of rules on products with CE marking EN1090-1

1. Is the Commission aware that the Human Environment and Transport Inspectorate (ILT), which performs a supervisory role on behalf of the Ministry of Infrastructure and Public Works in the Netherlands, has decided to suspend enforcement of the rules in the case of manufacturers who supply assembled metal structures as part of a building or of infrastructure, where the manufacturer both produces the materials in a factory and assembles them at a building site?

2. Does the Commission consider that a metal structure which is produced by a single manufacturer and assembled on site by it (and which becomes part of a building or of infrastructure) in order to perform a single contract that it has accepted falls under the Construction Products Regulation (CPR) and the European harmonised product standard EN 1090-1?

3. What action will the Commission take to clarify whether or not a metal structure which is produced by a single manufacturer and assembled on site requires an FPC certificate?

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Answer given by Ms Bieńkowska

on behalf of the Commission

(18.6.2018)

1. Yes, the Commission was made aware of this by letter of 7 December 2017 from Koninklijke Metaalunie.

2. If a construction product (e.g. a metal structure) is both manufactured and incorporated into the construction work (e.g. a building) by the same economic actor, no transaction or change of ownership of that product takes place between the manufacturing and the incorporation phases. The Commission recalls that, according to Article 1 of the Construction Products Regulation 305/2011 ('CPR'), the Regulation lays down conditions for the placing or making available on the market of construction products. In these particular circumstances, and in the absence of any further information to the contrary, the CPR does not appear to be applicable.

3. Consequently, the Factory Production Control (FPC) certification rules based on the CPR do not appear applicable either in the situation described above.