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European Commission
 DG Enterprise and Industry
 B.1 Sustainable Industrial Policy and Construction
 Mr. Tapani Mikkeli

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Comments on the proposal for "Delegated Act e-Supply"

Frankfurt, 05/07/13

Dear Mr Mikkeli,

As already discussed in the previous meetings, EuroWindoor welcome the provision of the declaration of performance on the internet. To the current draft of the delegated act, however, we like to give the following comments:

Article 2 of draft delegated act:

"When making a declaration of performance available on a web site, manufacturers shall determine its content by linking every single product or batch of the same product they are placing on the market to a given declaration of performance by means of the unique identification code of the product-type."

Here we see a small change to the previous rule of CPR. To our understanding are CE and DoP linked to "the reference number of the declaration of performance") pursuant to Article 9 (2) CPR. If this is now (also) to work on the "unique identification code (of the product-type)", it would be an additional search criterion.

What is not a problem for many uniform products is a problem for "construction with changing properties" (e.g. windows) because of the variety of combinations of components. For example, the assignment to the performance of the product is made for a door manufacturer who produces a "product-type" with different glass infill on the serial number. It is for a window manufacturer similarly who indicates as his "unique identification code of the product-type" for example the "type of profile system" but the differences in performance is given order-specific by the "Type / batch or serial number".

⇒ We propose the following amendment: "unique identification code of the product-type" shall be replaced with "the reference number of the declaration of performance".

EPW: Federation of European Plastic Window Manufacturers
 FAECF: Federation of European Window and Curtain Wall Manufacturers' Association
 FEMIB: Federation of the European Building Joinery Associations
 UEMV: European Glaziers Association

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Article 3 of draft delegated act:

"The recipients of construction products shall be instructed how to access the web site, where the declarations of performance drawn up for these products have been made available."

We consider this article somewhat problematic because in need of interpretation. If the link to the corresponding declaration of performance is specified as a text string, does it still need an "instruction how to access"? We do not believe that a guide to using the internet must be given, which could be misinterpreted in the text.

⇒ We propose the following amendment: "... shall be instructed how to access the web site, ..." should be replaced with "... shall be given the link to the web site, ...".

If such a change is not possible, we recommend the following text be preceded by: "As far as not being self-explanatory or Commonly used, the recipients ...".

Article 4 of draft delegated act:

"The web site, where the declarations of performance drawn up for construction products have been made available, shall be kept continuously available and accessible for the recipients."

In Article 4, we consider "the continued availability and accessibility" for needing interpretation. Even banks have service and maintenance times when the banking software is not available. For technical reasons it can result therefore in rare cases to brief outages of internet availability.

⇒ We propose to add the following words: "...shall be kept continuously available and accessible for the recipients with high reliability".

We ask you to consider our opinion in the further discussions and are of your availability for further questions.

If you need any further support don't hesitate to contact me.

Kind regards

EuroWindoor
The General Secretary

A handwritten signature in black ink, appearing to read 'Frank Koos', with a long horizontal flourish extending to the right.

Frank Koos