1. ------IND- 2019 0472 SK-EN- ------ 20191004 --- --- IMPACT

**Statement on selected impacts**

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| 1. **Basic information** | | | | | |
| **Document title** | | | | | |
| Implementing Decree of the Ministry of Transport and Construction of the Slovak Republic amending Implementing Decree of the Ministry of Transport, Construction and Regional Development of the Slovak Republic No 162/2013 establishing a list of groups of construction products and systems for assessing their performance, as amended by Implementing Decree No 177/2016. | | | | | |
| **Submitter (and co-submitter)** | | | | | |
| Ministry of Transport and Construction of the Slovak Republic | | | | | |
| **Nature of the submitted document** | ☐ |  | | | |
| ☒ | Document of a legislative nature | | | |
| ☐ | Transposition of EU law | | | |
| The draft Implementing Decree does not transpose a legal act of the European Union. | | | | | |
| **Start and end dates of the preliminary consultation exercise** | | | *-* | | |
| **Expected date of submission for the interdepartmental consultation exercise\*** | | | *May 2019* | | |
| **Expected date of submission to a session of the government of the Slovak Republic\*** | | | *-* | | |
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| 1. **Definition of the problem** | | | | | |
| The currently valid Implementing Decree does not reflect the present situation or requirements for some products in the assessment of the performance of construction products, and it must therefore be updated. | | | | | |
| 1. **Objectives and the desired outcome** | | | | | |
| The basic aim of the draft Implementing Decree is to harmonise Annex 1 to the draft Implementing Decree with the adopted delegated acts of the Commission (EU) pursuant to Article 60 of Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC, as amended, and with the applicable technical specifications for assessing the performance of construction products, and to add new groups of construction products, with regard inter alia to the basic requirements for construction works within the meaning of Annex 1 to Regulation (EU) No 305/2011. | | | | | |
| 1. **Stakeholders** | | | | | |
| Manufacturers of construction products and their importers and distributors, authorised representatives, and authorised and notified bodies within the meaning of Act No 133/2013 on construction products and on amendments to certain acts, as amended, and Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC, as amended. | | | | | |
| 1. **Alternative policies** | | | | | |
| An alternative policy is the zero option, which would mean that new categories of construction products would not be added to the Implementing Decree – these products would not be included in Annex 1 to the Decree in the list of groups of construction products that are subject to assessment and verification of constancy by the manufacturer of the essential characteristics of properties of construction products, and would not be construction products pursuant to Act No 133/2013 on construction products and on amendments to certain acts, which would result in restrictions on the marketing of these products.  Pursuant to Act No 133/2013 on construction products and on amendments to certain acts, as amended, the Ministry of Transport and Construction of the Slovak Republic is obliged to draw up a list of product groups that are subject to performance assessment together with the relevant performance assessment systems. The current legislation does not contain all the requirements on products, and for this reason it is necessary to make the amendments needed for assessing the performance of construction products. | | | | | |
| 1. **Implementing legislation** | | | | | |
| *Is implementing legislation expected to be adopted/amended?* | | | | ☐ Yes | ☒ No |
| No, because this Implementing Decree is a regulation implementing Act No 133/2013 on construction products and on amendments to certain acts, as amended. | | | | | |
| 1. **Transposition of EU law** | | | | | |
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| 1. **Review of efficiency\*\*** | | | | | |
| No review of the efficiency of the draft Implementing Decree is envisaged. | | | | | |
| |  |  |  |  | | --- | --- | --- | --- | | 1. **Impact of the proposed document** | | | | | **Impact on the general government budget**  of which has an unequivocal budgetary impact | Positive | x None | Negative | | Yes | No | Partial | | **Impact on marriage, parenthood and the family** | Positive | x None | Negative | | **Impact on the business environment**  of which impact on SMEs | x Positive | None | x Negative | | x Positive | None | x Negative | | **Social impacts** | Positive | x None | Negative | | **Environmental impacts** | Positive | x None | Negative | | **Impact related to the information society** | Positive | x None | Negative | | **Impact on public services, of which**  impact on public administration services for the citizen  impact on public service processes  report | Positive | x None | Negative | | Positive | x None | Negative | | | | | | |

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| 1. **Notes** |
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| 1. **Contact details of the author** |
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| 1. **Sources** |
| - delegated acts of the Commission (EU) pursuant to Article 60 of Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC, as amended  - applicable technical specifications for assessing the performance of construction products  - consultations with the professional public |
| 1. **Opinion of the Committee on the Assessment of Selected Impacts from the preliminary consultation** |
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| **Analysis of impacts on the business environment**  **(including the SME test)** |
| **In terms of the size category of enterprises, the document will have an impact:** |
| |  |  | | --- | --- | | ☐ | **only on SMEs (0–249 employees)** | | ☐ | **only on large enterprises (250 or more employees)** | | ☒ | **on all categories of enterprises** | |
| **3.1 Business stakeholders**  **– of which SMEs** |
| *Specify which businesses will be affected by the present draft.*  *How many of them?* |
| These will exclusively be business entities operating in the field of the manufacture of construction products, the sphere of activity of which is focused on those products that are introduced into the list of construction product groups by the amendment. This concerns manufacturers, importers, distributors, authorised representatives, and authorised and notified bodies within the meaning of Act No 133/2013 on construction products and on amendments to certain acts, as amended, and Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC, as amended (hereinafter referred to as ‘business stakeholders’).  The number of business stakeholders cannot be specified at present since no records or statistics exist for their identification and the determination of their number. |
| **3.2 Evaluation of consultations**  **– of which SMEs** |
| *Specify the form (public or targeted consultations and why) of the consultations and who has been consulted on the draft.*  *How long did the consultations last?*  *Specify the main points and results of the consultations.* |
| In the preparatory and subsequent stages, authorised and notified bodies (legal entities assessing the performance of construction products in the harmonised and non-harmonised areas), representatives of manufacturers (Association of Construction Entrepreneurs of Slovakia) and other stakeholders were consulted about the draft document.  The consultations took place through emails and personal meetings. Many suggestions that reflected market requirements have been incorporated, from the viewpoints both of the need to meet basic requirements for construction works, and of practical application. |
| **3.3 Regulatory costs**  **– of which SMEs** |
| ***3.3.1 Direct financial costs***  *Are the direct financial costs (fees, levies, taxes, duties, etc.) being increased/decreased? If so, describe and quantify them. Also specify the method of quantification.* |
| There is no increase/decrease in direct financial costs. |
| ***3.3.2 Indirect financial costs***  *Does the present draft require additional costs for the purchase of goods or services? Does the present draft increase the costs associated with employment? If so, describe and quantify them. Also specify the method of quantification.* |
| Costs related to ensuring the regulatory compliance of construction products (costs of acquiring the necessary knowledge and setting up internal processes, costs of material equipment, etc.) – total cost approx. EUR 1 050.  Regarding the information obligations, we based our calculations on standardised time demands per entrepreneur (business stakeholder referred to in point 3.1). |
| ***3.3.3 Administrative costs***  *Are any new information obligations being introduced or existing information obligations removed or modified? (e.g. changes in the data required or frequency or form of reporting them, etc.) If so, describe and quantify the administrative costs. Also specify the method of quantification.* |
| Keeping of records and archiving, submission and processing of an application, preparation of a document/report/certificate/declaration of performance, submission of reports/documents, oral/written communications, preparation of internal regulations of the producer – total cost approx. EUR 550.  Regarding the information obligations, we based our calculations on standardised time demands per entrepreneur (business stakeholder referred to in point 3.1). |
| ***3.3.4 Summary table of regulatory costs***   |  |  |  | | --- | --- | --- | |  | *Costs per business (as referred to in point 3.1)* | *Costs for the entire business environment* | | *Direct financial costs* | *0* | *0* | | *Indirect financial costs* | *approx. 1 050* | *0* | | *Administrative costs* | *approx. 550* | *0* | | ***Total regulatory costs*** | ***approx. 1 600*** | ***0*** |   The costs to the business environment affected by the amendment cannot be quantified unequivocally.  Neither the total nor the approximate number of business stakeholders can be determined. Business entities from abroad are affected as well as those from Slovakia. Such statistics do not exist for individual product areas.  The positive and negative impacts on the business environment (including SMEs) that we refer to in the Statement on Selected Impacts relate to a specific range of business entities, specifically those referred to in point 3.1. The negative impacts relate to the financial costs associated with the issue of declarations of the performance of a particular construction product in order to place that product on the market in the Slovak Republic or in an EU Member State, or on the market in a European Free Trade Association State party to the Agreement on the European Economic Area.  The positive impacts relate to the financial income generated for business stakeholders from the marketing of construction products – both on the domestic market and on the EU market – as well as income from the performance of the activities of authorised and notified bodies.  The submitted document does not impose a direct obligation on business stakeholders – it amends the legislation within the meaning of existing technical specifications that lay down the characteristics and performance that individual construction products must meet for the specific purpose of use. It adds relevant groups of construction products to the existing legislation based on market requirements and practical application. |
| **3.4 Competitiveness and behaviour of businesses on the market**  **– of which SMEs** |
| *Does the draft create any barriers to market entry for new suppliers or service providers? Will the proposed amendments entail stricter regulation of the conduct of particular businesses? Will some enterprises or products be treated differently from others in a comparable situation (special regimes for SMEs)? If so, describe them.*  *How will the proposed amendments affect trade barriers? Will they have an impact on cross-border investment (inflow/outflow of foreign investment or conditions for Slovak enterprises to succeed in foreign markets)? If so, describe it.*  *How will they affect the cost or availability of essential inputs (raw materials, machinery, labour, energy, etc.)?*  *Does it affect access to finance? If so, how?* |
| No conditions are specified for market entry, starting a business or market behaviour. The obligation does not lead to changes in market structure. |
| **3.5 Innovation**  **– of which SMEs** |
| *Specify how the proposed changes promote innovation.*  *Do they simplify the introduction or expansion of new production methods, technology and products on the market?*  *Specify how the proposed amendments affect the individual intellectual property rights (e.g. patents, trademarks, copyright, ownership of know-how).*  *Do they encourage increased efficiency in production/use of resources? If so, how?*  *Will the amendments create new research and development jobs in Slovakia?* |
| The draft document does not affect innovation. |