

Position of Deutsche Bauchemie on the Construction Products Regulation (Regulation (EU) No 305/2011)

Irrespective of the complex division of competences between the Member States and the European level, a European single market for construction products was created under the former Construction Products Directive and today's Construction Products Regulation. Its advantages considerably benefit the actors along supply chains in the construction sector. The number of harmonised CEN product standards has grown over many years and meanwhile totals around 450. This stock of harmonised standards forms the proverbial backbone of the single market.

Harmonised CEN product standards are a central nucleus:

- They are used by manufacturers to declare the performance of their products in a common European language.
- The Member States take them as reference points to establish their national requirements to construction products.
- Planners and architects resort to them in Europe-wide tendering to describe the necessary performance of the construction products to be used.

Deutsche Bauchemie supports European harmonisation and the European Commission's efforts to optimise the relevant legal framework (Construction Products Regulation).

These are the main goals pursued by Deutsche Bauchemie in the given setting:

- 1. Fully keep up, further develop and optimise the single market for construction products and its advantages**
- 2. Maintain the strong role of harmonised CEN standardisation and ensure the technical quality of standards through the necessary participation of all interested parties**
- 3. Find a timely solution to the current problems in harmonised CEN standardisation and make adaptations to technical progress in regular intervals**
- 4. Implement a harmonised method to determine and communicate the environmental impacts (LCA) of construction products, using existing methods that have proven their worth. (EPD according to EN 15804)**
- 5. Avoid to further complicate the system through a combination of declaration of performance and declaration of conformity (NLF approach) regarding product-inherent requirements**
- 6. Clear criteria and conditions for the EOTA/TAB route**
- 7. Avoid double regulation and ensure coherence between different legislative areas.**
- 8. In an age of advancing digitalisation, drive forward IT-based methods (e.g. BIM, Smart CE Marking, Digital Logbook) to optimise communication along the supply chain**

The Annex briefly explains the underlying reasons of Deutsche Bauchemie regarding its eight main goals.

Deutsche Bauchemie

Frankfurt am Main
14 December 2020

As an industry association, Deutsche Bauchemie represents the entire construction chemicals industry in Germany. In 2019, the more than 130 member companies with around 32.000 employees generated sales of 8.5 billion euros. This corresponds to half of the European market volume and about a quarter of the world market. Under the umbrella of the German Chemical Industry Association (VCI), Deutsche Bauchemie has been representing the interests of its member companies for over 70 years, towards the public, political actors, authorities, other industry sectors, science and the press.

Fully keep up, further develop and optimise the single market for construction products and its advantages.

Irrespective of the complex division of competences between the Member States and the European level, the Construction Products Regulation (CPR) has brought about a single market “light” which benefits manufacturers: Instead of 27 different test methods for one essential characteristic, now one test is sufficient. This avoids unnecessary costs and increases the pan-European product range. The thus created “*common European language*” forms a central nucleus to which manufacturers, users and national regulators refer. The European single market must not be put at risk or reduced by limiting the scope of the CPR and its fundamental principles.

Maintain the strong role of harmonised CEN standardisation and ensure the technical quality of standards through the necessary participation of all interested parties.

Harmonised standardisation can work! It brings together the regulatory requirements and the prerequisite technical expertise in an optimal way. Complete standardisation requests that leave no gaps as well as clear-cut guidance and criteria for the development of harmonised standards are essential prerequisites for the smooth functioning of harmonised standardisation.

Find a timely solution to the current problems in harmonised CEN standardisation and make adaptations to technical progress in regular intervals

The Green Deal announced a renovation wave which now has a central role in the EU Commission’s COVID-19 recovery plan too. A functioning single market and functioning harmonised standardisation are key for a socially acceptable roll out and for implementing it in due course. Therefore, it is essential to find starting points for solutions under the existing CPR and not to delay this effort to a reviewed regulation in a few years’ time.

Implement a harmonised method to determine and communicate the environmental impacts (LCA) of construction products, using existing methods that have proven their worth. (EPD according to EN 15804)

Voluntary information on environmental impacts of construction products has long been established in the construction sector. An increasing need for regulation arises under the Green Deal and national activities. The CPR review should be used to introduce one harmonised method for determining and communicating the environmental impacts of construction products. In this exercise, it should be resorted to well-proven methods and instruments (e.g. environmental product declaration/EPD according to EN 15804) to avoid unnecessary cost and work. The recent adaptation of EN 15804 to the product environmental footprint (PEF) methodology provides a suitable basis.

Avoid to further complicate the system through a combination of declaration of performance and declaration of conformity (NLF approach) regarding product-inherent requirements

Additional requirements for inherent product properties with regard to safety, health and environmental aspects could be introduced under Article 3, Paragraph 3 of the current CPR. A parallel application of the NLF approach would complicate the already complex legal framework and is not necessary. The risk of the misinterpretation of the meaning of the CE marking has already been criticized by the construction industry. Mixing the different approaches would increase the confusion.

Clear criteria and conditions for the EOTA/TAB route

In addition to the CEN route, a parallel route (EOTA route) is required for innovative construction products that cannot be standardised (yet). Starting one or the other route should be coordinated by the European Commission on the basis of established criteria. If possible, ETAs should be converted to hENs after specified time periods.

Avoid double regulation and ensure coherence between different legislative areas

It is essential to ensure that there are no double regulations between different legislative areas, e.g. the CPR and chemicals legislation.

In an age of advancing digitalisation, drive forward IT-based methods (e.g. BIM, smart CE Marking, Digital Logbook) to optimise communication along the supply chain.

Particularly because of the sustainability aspects to be taken into account, the future information requirements will become so extensive that it will be impossible to incorporate all of these details in the CE marking. Moreover, practice has shown that there is no need to duplicate information in the CE marking and the declaration of performance. Instead, IT-based methods should be used to optimise supply chain communication and make it more efficient. For example, IT tools could be established that make it easier for users of construction products to check for which uses and in which EU Member States they can deploy a given product.