

Cornerstones for the new EU Construction Products Regulation

Impetus for the ongoing discussion process ***Updated version, 23.01.2023***

- The future EU Construction Products Regulation should have the legal user in mind. It should be as easy as possible to understand and limited to the necessary scope.
- All necessary provisions for construction products should - in the interest of the legal user - be regulated exclusively in the future CPR. Construction products should be clearly excluded from the scope of the Ecodesign for Sustainable Products Regulation (ESPR), which is in the legislative procedure at the same time. It is at the discretion of the legislators to provide for deviating provisions in the CPR, which represents the construction products specific "law". A "safety net for construction products", as provided for in the ESPR proposal, is unnecessary.
- Following the basic idea of the harmonised zone, harmonised technical specifications should be comprehensive and cover all potential requirements. Combinations of several harmonised technical specifications and/or ETAs for the same construction product would be contradictory.
- Allowing additional national requirements for harmonised construction products would be in contradiction with the basic principle of the harmonised zone and would massively endanger harmonisation, and ultimately the internal market for construction products. Therefore, the proposed derogations, which are linked to formal notification procedures and implementing acts, must not be extended.
- The rule must remain that the expert bodies of the European Committee for Standardization CEN provide the content for harmonised technical specifications. The Commission's intervention in terms of content should be limited to the correction of formal errors and to the addition of necessary content that cannot be developed by CEN. After a positive review, including possible corrections and additions, the harmonised technical specifications should be introduced by the Commission within a short period of time, following a predefined, and formally clearly regulated procedure.
- The previously mentioned procedure via the expert groups of the European Standardization Organization CEN should also apply for the sustainability aspects according to Annex I, Part A, points 1.8 and 2. In addition, the horizontal aspect of environmental sustainability always requires product category-specific concretisations such as "complementary Product Category Rules" (c-PCR), which require the technical expertise of the CEN technical committees. Presumably, the resources and technical expertise of the Commission would also not be sufficient to adopt these specifications for all harmonised construction products in the form of delegated acts in a technical and timely manner.
- The product requirements described in Annex I, Part B and Part C are not relevant and applicable to all types of harmonised construction products.

Furthermore, the product requirements described there are kept rather generic and do not provide a sufficient basis for their direct application. An additional selection and concretisation for the respective product categories are essential.

Therefore, it is reasonable to follow the Commission's proposal and apply Parts B and C of Annex I only if the Commission has established the requirements for a specific product category by means of a delegated act.

- Standardization activities under the CPR should be supported, optimized and accelerated by clear criteria, predefined procedures and additional control bodies.
- Under the new CPR, the opportunities of digitalisation should be used. The availability of declarations of performance and declarations of conformity in a machine-readable format are a prerequisite.
- The effort and bureaucratic hurdles for the establishment, data input and regular updating of an EU construction products database are extremely high. Moreover, the contents of this database are not sufficiently clearly defined. In this context it is essential to ensure that confidential and sensitive data e.g. the technical documentation, are not part of the scope of the data to be reported. Presumably, a "Digital Construction Products Passport" (DCPP) could be established with lower hurdles and comparable results. This DCPP should contain the declaration of performance and conformity in machine-readable and generally readable format as well as the information according to Part D of Annex I in digital form. Should central access to the DCPP be essential, a European DCPP register could be established. The principles for the Digital Product Passport enshrined in the ESPR could be used as a basis for the DCPP under the CPR if necessary.
- Environmental Product Declarations (EPDs) with all core indicators of EN 15804+A2, in combination with workable application rules, and a uniform EU-software tool are the appropriate basis for a binding declaration of the environmental sustainability of construction products. However, EPDs for all harmonised construction products are only feasible if the 3rd-party validated sector or model EPDs are recognised. Manufacturer-specific EPDs for each individual harmonised construction product would be a completely unrealistic demand and not feasible in a sector with many SMEs and manufacturers with broad product portfolios.
- Sustainability requirements should be set at building level and not at product level. It is not the delivered product but its installation situation that is decisive. Life cycle assessment data of building products in digital, machine-readable format facilitates the calculation at building level.
- Traffic-light labelling for building products only provides benefits in justified individual cases. Implementation according to the scattergun approach could even have negative effects for sustainable construction if the installation situation is not taken into account.
- Neither the new CPR nor the new Ecodesign for Sustainable Products Regulation (ESPR) should predetermine the upcoming European chemicals legislation. The definition and restriction of "substances of concern" as well as provisions on "microplastics" should be regulated within the legal framework of the REACH Regulation to ensure a coherent over-all approach to these complex issues.
- The transitional provisions, proposed by the Commission, with an approximately 20-year coexistence of the old and new CPR would lead to confusion in practice. Pragmatic solution approaches are needed.

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