

POSITION PAPER

Urgent Action needed: A Construction Sector Omnibus

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Introduction

Escalating housing costs and the financial burden of essential renovations are placing growing pressure on European citizens. At the same time, high construction expenses are hindering the urgent modernisation of Europe's infrastructure.

The construction and building sector play a crucial role in achieving the EU Green Deal's climate objectives. Coordinated action is needed to keep construction costs under control while advancing the necessary green transformation.

A well-functioning Single Market for construction products is essential to this effort. The new Construction Products Regulation (CPR) represents a key milestone in improving market efficiency, ensuring steady progress in the development of harmonised standards, and providing environmental data to support the green transition.

Given the division of responsibilities between the EU, national, and regional levels, the CPR is naturally a very complex regulation. To support its implementation and make better use of the single market's potential to deliver affordable and sustainable products, Deutsche Bauchemie proposes a Construction Sector Omnibus Initiative. This initiative could involve implementing and delegated acts, and where needed, targeted changes to the legal text through Omnibus legislation in the strictest sense.

Targeted amendments to support manufacturers in implementing the new Construction Products Regulation

Avoid product-specific assessments in AVS 2+

The revised AVS 2+ according to CPR-2024 introduces new requirements for notified bodies to confirm that the product type and the product category were correctly determined, and that the performance of the product was correctly assessed on the basis of the review of the documentation of the product. In contrast to the requirements set in AVCP System 2+, the tasks of the notified bodies may follow a more product-specific assessment rather than focusing on the assessment of the underlying system. Already the former wording of the legislative text led to different interpretations among notified bodies with respect to the degree of product-specific assessments. Following this interpretation, AVS 2+ with a product-specific assessment drastically increases the amount of workload for notified bodies resulting in increasing costs for manufacturers and prolonging verification time, whereas former practice is sufficient. Therefore, a revision of Annex IX describing the tasks of a notified body within AVS 2+ is necessary in order to close gaps in

interpretation and to concentrate on an assessment of the underlying system of the factory production control rather than excessive data checks of individual products.

Robust reference methods for additional environmental characteristics as a prerequisite before mandatory declaration

According to Annex II of CPR-2024, the list of predetermined environmental essential characteristics consists of 13 core indicators as well as 6 additional indicators. What is critical, however, is that the declaration of the 6 additional indicators – initially only to be declared on a voluntary basis according to the standard (EN 15804) – will become mandatory in 2032, even though corresponding reference methods have not yet been sufficiently validated. This provision goes beyond EN 15804 and should be linked to further pre-conditions. For example, the mandatory application of the additional LCA indicators could be linked to the condition that the reference methods have been successfully validated and the provisions in EN 15804 have been amended accordingly. Alternatively, the development and validation of missing reference methods could be assigned by the Commission to CEN by means of a standardisation request and the binding declaration could be implemented after a sufficient transition period has expired. We therefore propose to amend Article 15 (3)(c) accordingly.

Align validity period of existing EADs with newly developed EADs

According to Article 34(2) of CPR-2024, European Assessment Documents (EADs) may be used as the basis for a European Technical Assessment (ETA) for a period of 10 years following their publication—provided that the reference of the EAD has not been withdrawn. However, there is an important exception:

EADs whose reference is published by 8 January 2026, meaning they were still issued under the previous CPR-2011, may only be used as a basis for ETAs until 9 January 2031 (Article 95(4)). This means that these EADs have a significantly shorter validity period than the standard 10 years.

Introducing a validity for EADs published under CPR-2011 is, in principle, reasonable—especially to encourage the transition to the new requirements under CPR-2024. This approach is consistent with how harmonised technical specifications are handled within the CPR acquis process. However, the currently proposed 5-year period (until 2031) is considered disproportionately short, particularly in light of the long-term nature of the CPR acquis process, which foresees a gradual revision and harmonisation of all technical specifications.

It is therefore proposed to amend Article 95(4) of CPR-2024 to allow EADs published under CPR-2011 to remain valid for 10 years, in line with the general rule for EADs set out in Article 34(2).

Enable efficient declaration of environmental performance based on established solutions by industry associations

In the last decade, Environmental Product Declarations (EPDs) have become an established method for declaring the environmental performance of construction products on a voluntary basis. Many industry associations have developed such solutions offering sector-EPDs following a worst-case approach which enables member companies to declare verified environmental data after successful conformity check with minimal additional effort.

With the introduction of the CPR-2024, the environmental impact categories specified in EN 15804 and implemented in EPDs are becoming mandatory. The process to obtain and verify product-specific environmental data for construction products is complex, time- and cost consuming. SMEs in particular rely on external expertise, as they often lack the necessary in-house resources. For construction chemicals, many

different products are available on the market for which it will be required to declare essential environmental characteristics, although they are typically used in such small quantities in construction works, that their individual environmental impact within the whole building can be considered as minor.

Against this background, association solutions are absolutely necessary to essentially relieve burden on companies and to consolidate costs efficiently, especially for construction products for which the overall impact to determine product-specific environmental data is not in proportion to the effort to generate this degree of highly specified data.

Unfortunately, the newly introduced system AVS 3+ to validate the declaration of essential environmental characteristics does not provide any essential simplifications regarding the validation of generated data via association-based solutions.

Current understanding suggests, that LCA calculators with reference to LCA background datasets of raw materials and internally determined generic process data could serve as a possible starting point for the development of association solutions. The benefit for manufacturers using such tools would lie in outsourcing the software tool development and sharing the costs for the validation process. However, it remains crucial, that validation is kept simple and not overburdening. One single validation step of the software tool, the underlying PCR, c-PCR and the referenced datasets, as well as any further requirements laid down within product-specific standards should allow manufacturers to use the tool without further validation. In cases, where no additional product-specific data other than the bill of materials is provided, an initial inspection of the manufacturing plant as well as the validation of the correct usage of the software seems disproportionate to the actual need.

In order to enable associations to support their sectors, Annex IX of CPR-2024 should be amended to allow for simplified validation procedures and for more generic approaches. The validation of referenced datasets should not lead to the publication of these datasets, as access often relies on datasets within private databases due to missing publicly available background datasets. In the long term, the software referred to in Article 15 should be made available in such a way that it enables the calculation of the required data based on publicly available background datasets.

Elimination of legal ambiguities – securing harmonized interpretation and legal certainty for companies and national enforcement

No specification of a single batch number within the DoPC

In accordance with the format of a DoPC specified in Annex V, the batch number must be specified where available. In practice, for manufacturers of construction chemicals producing several batches of construction chemicals a day this requirement cannot be directly implemented, as it would necessitate the creation of new DoPCs on a daily basis, differing only by the batch number. In addition, for each DoPC a DPP would need to be generated, resulting in unnecessary multiplication of data copies and overloading of the DPP system.

Instead, following a feasible and practical approach, the DoPC should reference an external list of batch numbers covered by the DoPC to avoid the unnecessary creation of data copies. We therefore propose to amend Annex V of the CPR-2024 accordingly.

Legal clarification of the content of the technical documentation

The technical documentation forms the basis for the creation of the DoPC and, according to Article 22 (3), includes all relevant elements necessary to demonstrate performance and conformity. However, the current legal text is not sufficiently precise. According to the Commission and to general understanding, the results of the factory production control (FPC) should not be part of the technical documentation. If interpreted otherwise, the technical documentation would become extremely extensive and would need to be continuously updated and expanded. To establish a clearly regulated, comprehensive and non- divergent interpretation in terms of market surveillance, the legal text should be clarified to explicitly exclude results of the factory production control within the DPP.

Instead, Article 22 (3) should be amended to clarify that the technical documentation must include the background documentation related to the declaration of performance, compliance with product requirements, and the process used to ensure the constancy of performance. It does not need to contain the actual data demonstrating constancy of performance, but rather the description of the process applied to achieve it.

Deutsche Bauchemie e.V.

German Construction Chemicals Industry Association

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The German Construction Chemicals Industry Association (Deutsche Bauchemie) has been representing the interests of its member companies and the German subsidiaries of foreign corporations to the professional public, politics, authorities, science, and media for 77 years. The industrial association is a sector association within the German Chemical Industry Association (VCI). In 2024, the approximately 140 member companies generated a turnover of 4.6 billion euros in Germany with around 32,000 employees.