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Review of the Regulation (EU) no 305/2011 laying down harmonised conditions for the marketing of Construction Products:

The Construction Products Regulation (CPR)

Eurima is the European Insulation Manufacturers Association representing the interests of all major Mineral Wool (Glass and Stone Wool) insulation producers throughout Europe. Our membership consists of large and medium-sized industries that manufacture a wide range of mineral wool products for the thermal and acoustic insulation and fire protection of domestic and commercial buildings and industrial facilities.

Summary

Eurima believes that the current Construction Products Regulation (CPR) is the solid foundation of a well-functioning and transparent internal market for construction products and that further enhancements and adaptations to policy, regulatory and technical progress must be built on this.

By doing so, the CPR will be a prerogative for continued sustainable growth in the construction product sector, and a major contributor to a sustainable built environment, delivering the objectives of the EU Green Deal while unleashing the full economic, environmental and social potential of the construction products sectors.

Repealing the current CPR would be counter-productive. It would obstruct the internal market for construction products and delay the construction products sector's contribution to sustainable growth.

Introduction

In 2017, an EU Commission Inception Impact Assessment on the functioning of the CPR identified a substantial number of topics to be addressed to “future-proof” the CPR. The impact assessment followed a 2016 ruling from the European Court of Justice (James Elliott C-613/14), which found that the current, so called, CPR-acquis, did not meet legal requirements, for revised and new harmonized standards.

Moreover, at the end of 2019 the European Commission identified the revision of the CPR as an important enabler for European Green Deal objectives, including the Renovation Wave, the Circular Economy Action Plan, and the 2020 New Industrial Strategy. The CPR was thus shown to be an essential building block of a coherent, consistent and mutually reinforcing EU policy-framework, designed to deliver the EU's policy and societal objectives. This Green Deal dimension needs to be taken into account in revision of the CPR.

Although the Green Deal provides a coherent and consistent policy framework, many of its targets and objectives in the fields of climate, energy, health, safety, social progress, inclusiveness, economic recovery and employment will not be achievable without tapping the potential of the EU building and construction (products-) sector and the EU built environment.

The purpose of this paper is to share our vision of a CPR revision that will:

- deliver a CPR that is future proof while continuing to safeguard and reinforce the European Internal Market for construction products. This would be in parallel with other building policy developments (e.g. LEVELs, waste policy etc.)
- guarantee a transparent, coherent and consistent policy framework aligned with the EU Green Deal, while enabling the EU construction products industry to contribute fully to delivering the objectives set by the European Commission's Industrial Strategy in March 2020, notably competitiveness, digital transition, and climate neutrality.

“Repair” : The CPR Acquis as a solid basis for the CPR Review

To safeguard *harmonisation, common technical language, and transparency*, the European internal market for construction products needs to continue to be anchored in the current CPR-acquis. This means all published harmonised standards (hENs, European Assessment Documents - EAD), as well as delegated and implemented acts published in the OJEU.

However, in order for the current CPR to fulfil its role as a basis for the review process, the legal “repair” issues, mentioned above, urgently need to be addressed. This will make continued adaptation to technical and regulatory progress possible and continuity between today's rules and a future revised CPR.

We recommend that the European Commission urgently proceed with the implementation of an accelerated “repair”-procedure for correct implementation of the hENs that are part of the acquis. This implementation must be based on clear, inclusive rules and guidelines, agreed by all stakeholders.

“Complete”:The CPR Acquis as solid basis for the CPR Review

As well as this immediate legal “repair”, the current acquis needs to be completed with a common methodology for assessing and communicating the environmental performance characteristics of construction products. This should be done as soon as possible under **Basic Work Requirement 7 (BWR7) and Circular Economy** principles.

Environmental Product Declarations (EPDs) are well established and have been developed according to the European EN 15804 standard for most construction products. EPDs aim to show a product's environmental performance in a standard way. They are widely used for a life cycle assessment of buildings (EN 15978) using these products.

Eurima supports the EN15804+A2 (Sustainability of construction works EPD, core rules for the product category of construction products) as the most ready and suitable methodology for the sustainable use of natural resources.

We also support the development of more clearly defined scenarios and more uniform Product Category Rules (PCR) for construction products, to ensure a maximum level playing field and improve understanding.

The verification of EPD's relies on numerous programme operators and the quality of the information available varies. This is why Eurima would support further alignment between EPD programme operators, to ensure coherence and mutual recognition. ECO Platform and ECO EPDs can help with this. The ECO Platform provides digital EPD solutions for the construction sector in the ECO Portal database.

The EPDs must be subject to continuous updates and harmonisation. One potential improvement could be the creation of a single European LCA database that would minimise technical differences and harmonise aspects such as format, modelling, and data quality.

In this context, Eurima also supports the Commission's intention to introduce circular economy principles to the Construction Products Regulation. Our industry is committed to continuously improving the circularity of our product and product-value chains. Circular practices minimise waste going to landfill, reducing the need for raw materials. This consequently reduces the overall environmental footprint of construction products and of buildings. Circularity principles could for instance stimulate the increased use of recycled content in products, by allowing national public authorities to introduce mandatory minimum recycled content requirements.

CPR Review to guarantee a properly functioning standardisation process

Eurima agrees that there is room to improve the Construction Products Regulation standardisation process. There should be a reliable mechanism at CEN level to promote a consensus-based approach. Therefore, Eurima suggests putting in place robust rules-of-procedure, including clear structure and governance by CEN, as well as increased guidance by the European Commission, based on clear and broadly supported standardisation requests. To improve overall understanding and compliance, CEN should offer support and training to convenors and secretaries of the different Technical Committees and Working Groups. The increased use of web-based meeting platforms and related digital solutions can help the standardisation process.

Finally, the strategic involvement of the European Commission and/or HAS assessors throughout the drafting process can support the improved governance and implementation of standardisation.

Along with harmonised technical specifications, the technical committees in CEN should continue to develop assessment methods for essential characteristics of the DoP. Allowing one unique method per EU characteristic is the only way to safeguard common technical language.

Future harmonised Construction Products Regulation and Declaration of Performance (DoP)

For Eurima, *harmonisation, common technical language and performance communication transparency* are, and should remain, the basic principles of the internal market for construction products.

Initiatives that reduce harmonisation of the CPR, or that encourage the inclusion of product information beyond national legal requirements and the responsibility of product manufacturers, go against the spirit of the internal market. They would lead to a mushrooming of national labelling and information systems, weakening the CE-mark, while also increasing administrative burdens and the risk of technical barriers to trade.

For this reason the Declaration of Performance must continue to be an exhaustive catalogue of product characteristics based on national legal requirements, and the construction product manufacturer is responsible for declaring this legally required information for its intended use.

Additional information requests that go beyond legal requirements, or beyond the responsibility of the construction product manufacturer, would unreasonably expand the manufacturer's liability. Our insulation products can be used in multiple applications and should be installed by professionals.

Enhance market surveillance through higher AVCP levels

Eurima recommends a stricter third party verified Assessment and Verification of Constancy of Performance (AVCP) for some characteristics. This would respond, to market demand to avoid the mushrooming of national marks, used by insurance companies. These national marks cause confusion among economic operators and lead to trade barriers and market distortions.

Unfortunately, none of the CPR revision options proposed by the European Commission would avoid this creation of national taxonomies.

In general, we believe that a revision of the CPR should aim at reducing administrative burden or at least avoiding introducing additional burdens, especially for Small- and Medium-sized businesses.

However, we must take care to avoid damaging harmonisation through this desire to minimise administrative burdens. Harmonisation, a common technical language, transparency, and general product safety and Basic Work Requirement policy at national level remain important. As the EU definition of Small- and Medium- sized businesses is rather large, the need for simplification is widely seen. At the same time, SMEs Making products with high safety values should not be exempt from CPR obligations. For example, Eurima opposes the idea of reducing or lifting Assessment and Verification of Constancy of Performance (AVCP) levels if manufacturers have appropriate liability insurance in place. Any such move could lead to market distortion and increase the risk of non-compliance.

Similarly, an economic operator placing a recycled, reused or remanufactured product on the market should be subject to the same obligations as a manufacturer of a new product, as defined under the CPR. This means that manufacturers should draw up a Declaration of Performance (DoP) and affix a CE mark before placing a reused product on the market.

Eurima welcomes increased and effective market surveillance to rigorously check product compliance with EU standards, test methods and tolerances, for instance by recommending highly effective default/standard market surveillance controls, as put in place by Member States. In this context, we recommend providing more guidance to level the quality of surveillance in Europe. As things stand we frequently observe different interpretations of surveillance rules around the 27 EU Member States.

A more stringent Assessment and Verification of Constancy of Performance level would lessen the burden of market surveillance for member states, while also ensuring a higher level of compliance among products.

Conclusion

Many challenges linked to the standardisation system currently in place can be solved pragmatically using existing rules and laws, but many other aspects of the CPR, such as third party verification and market surveillance, or environmental and circular economy requirements, require a new approach to protect continuity on a well-functioning, transparent internal market. This approach should be based on harmonisation, a common technical language, and transparency.



European Insulation Manufacturers Association

Eurima stands ready to contribute further to debate on the revision of the CPR. We remain available to provide further information and clarifications as necessary.