

Request: Avoid any overlap between Ecodesign Directive (2009/125/EC) and Construction Products Regulation (EU 305/2011, the so called CPR)

Construction Products Europe shares the objectives of the Ecodesign Directive. We believe that construction products, when properly designed and installed, actively contribute to sustainable development by increasing energy efficiency and the level of protection of the environment.

CPR and Ecodesign Directive are European regulatory tools developed to achieve improvements of the European market. The CPR was developed taking into account the specificities of construction products while Ecodesign Directive has a wider scope. Both legislations are based on the declaration of the performance of products and CE marking.

The application of Ecodesign Directive to construction products already covered by the CPR is against the principles of smart regulation. It would force manufacturers to comply with two regulations having a very similar scope and implementation rules. In addition, it would create confusion for users and an unnecessary burden for manufacturers, in particular SMEs.

1

Where there are specific characteristics having a major impact on the energy performance of buildings, declared values are generally already made known under the CPR (e.g. radiation properties for windows, thermal transmittance for insulation products, etc.). Creating an additional framework for the same aspect would be an unnecessary and unjustified burden. Where certain characteristics are not yet covered, e.g. resource efficiency, these can also be dealt with through the CPR (and Basic Requirements for Construction Works – BRCW).

Construction products' performance have to be evaluated by the overall contribution to the life cycle of the building. Expertise of designers and additional calculations, for example through the Energy Performance of Buildings Directive and sustainability assessment of buildings, are key to achieving high efficiency and low impacts from buildings and construction works.

Construction Products Europe requests a preliminary assessment of the overlaps between the ecodesign requirements and the essential characteristics to be declared under the CPR when dealing with construction products.

Construction Products Europe recommends that the preliminary assessment includes the following tasks:

- ▼ Evaluation of the essential characteristics declared under the CPR scope including the AVCP system(s) applicable to them;
- ▼ Assessment of the need of additional requirements to those already covered by the harmonised technical specifications under the CPR, if any;
- ▼ Analysis of the possibility to develop them using the CPR;
- ▼ Promotion of the inclusion of the additional requirements as essential characteristics under the CPR scope instead of developing them in any parallel approach.

CPR approach

CE marking of construction products is established in Europe and has proved during the last decades the benefits of a single European approach to the declaration of the performance of products.

Sustainable use of resources under the CPR

Sustainable use of resources including energy is tackled in several chapters of the CPR, specifically addressing the behaviour of construction products in works. It is indirectly covered by basic requirements and in particular as basic requirement of construction works 7ⁱ.

These requirements for works are translated into product characteristics by the means of harmonised technical specifications.

Implementation of ecodesign requirements as essential characteristics linked to basic requirements of construction works is the most effective approach.

Performance information

Manufacturers declare the performance of the products according to the requirements established both at National and at European level using harmonised test methods.

Declaration of performance and CE marking of construction products are compulsory for the products placed on the European market if included in the scope of a harmonised standard. This is not the case when declaring characteristics for products regulated under other Union legislations. In this sense the Ecodesign Directive does not complement CPR but overlaps it.

Classification and thresholds

CPR contains specific provisions to define threshold values and classifications for the performance of products in a similar approach to the Ecodesign Directive. At the same time it supports industrial competitiveness and innovation guaranteeing a level playing field for construction products across Europe.

Under the CPR, the Commission can establish classes for characteristics using delegated acts. Member States are obliged to use these classes (Article 27, CPRⁱⁱ). The Commission can determine the characteristics for which the manufacturer is obliged to declare the performance of the product (Article 3(3)ⁱⁱⁱ, CPR) and can also set threshold levels for these characteristics, again by using delegated acts.

All the ecodesign objectives of the Commission can be achieved under the CPR using delegated acts for relevant characteristics and threshold levels. If necessary, the Commission can also amend standardisation mandates for construction products considered under the ecodesign, with the effect that the relevant harmonised product standards will be revised to take into account the ecodesign objectives under a single approach.

Assessment methodology

Construction products under the CPR are subject to a specific assessment and verification of the constancy of performance (AVCP, former attestation of conformity). The AVCP comprises tasks to be accomplished by manufacturers and in some cases by notified bodies. The decision on the AVCP system applicable to each essential characteristic is done through delegated acts of the European Commission (Article 28(2)^{iv} CPR).

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The role of manufacturers and notified bodies with regards to the assessment of essential characteristics is clearly established, this would also apply to any characteristic linked to ecodesign requirements.

Testing

References to harmonised product standards, including revisions, are published in the Official Journal of the EU, together with the co-existence periods for CE marking. These documents also contain the test methods or references to them guaranteeing a consistent and unique testing / calculation procedures.

This approach prevents the creation of parallel testing / calculation rules and provides legal certainty. The development of test / calculation methods in parallel could create misunderstandings and conflicts.

Market surveillance

Construction products under the CPR are subject to specific market surveillance covering the assessment of the CE marking, declarations of performance and other documents and tasks to be developed.

Ecodesign requirements under the CPR would avoid “double surveillance”. Furthermore, CPR market surveillance is more effective, because notified bodies are also involved.

Construction Products Europe (CPE) is a international non-profit making association made up of national and European associations that represent small and medium-size enterprises and world-leading companies. CPE aims to promote the European construction industry, to share information on EU legislation and standardisation and to provide input in all European construction-related initiatives.

ⁱ Regulation 305/2011 – Annex I

The construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following:

- (a) reuse or recyclability of the construction works, their materials and parts after demolition;
- (b) durability of the construction works;
- (c) use of environmentally compatible raw and secondary materials in the construction works.

ⁱⁱ The Commission may adopt delegated acts in accordance with Article 60, to establish classes of performance in relation to the essential characteristics of construction products. [...] When the Commission has established classification systems in accordance with paragraph 1, Member States may determine the levels or classes of performance to be respected by construction products in relation to their essential characteristics only in accordance with those classification systems.

ⁱⁱⁱ For specific families of construction products covered by a harmonised standard, the Commission shall, where appropriate and in relation to their intended uses as defined in harmonised standards, determine by means of delegated acts in accordance with Article 60, those essential characteristics for which the manufacturer shall declare the performance of the product when it is placed on the market. 4.4.2011 Official Journal of the European Union L 88/11 EN (1) OJ L 124, 20.5.2003, p. 36. Where appropriate, the Commission shall also determine, by means of delegated acts in accordance with Article 60, the threshold levels for the performance in relation to the essential characteristics to be declared.

^{iv} By means of delegated acts [...] the Commission shall establish and may revise, taking into account in particular the effect on the health and safety of people, and on the environment, which system or systems are applicable to a given construction product or family of construction products or a given essential characteristic. [...]