

CEMBUREAU'S POSITION ON THE FUTURE OF THE CPR

A response to the European Commission's survey on the Future Options for the Review of the Construction Products Regulation

Brussels, 31st July 2020

CEMBUREAU is a strong supporter of the system based on the Common Technical Language established by the present Construction Products Regulation for CE Marking. However, the EU cement industry is particularly frustrated with the present revision process of the cement standard EN 197-1, which is resulting in a delay in introducing new lower carbon cements into the market, and thereby thwarting the transition to a climate neutral society.

CEMBUREAU has always praised the fact that the European cement standard EN 197-1 was the first harmonised standard in Europe. The technical specifications in EN 197-1 have been used not only in Europe but across the world in many cases for 30 years. The system has proved to work, so we hold the opinion that improvement in the system could be achieved by adopting a "soft-law approach" by the European Commission.

Cement has recently been identified by Member States as one of the product families to target as a priority by future technical specifications. We would thus like to share **our view** on the future options of the CPR review:

➤ Limited change to CPR

- The construction industry needs solutions in the short term to get the current system working again. The market needs the CPR to function properly. We suggest the adoption of a "soft updated CPR" by the European Commission, with no change of scope.
- Clarification between legal aspects and technical specifications is fundamental for the functioning of the market. The EC should allocate resources to the revision of standardisation requests, and to develop guidance on the content of harmonised standards to be followed by product Technical Committees.

➤ CEN's role remains essential

- CEN should remain at the heart of the process as the only body to develop harmonised standards, i.e. no parallel channels or alternative routes. All stakeholders are represented in CEN. Better cooperation and understanding between EC and CEN (i.e. Mandate vs hENs) is key, with clear distinctions between 'legal' (fully under EC responsibility) and 'technical' (fully under CEN / EOTA responsibility) requirements.
- Enhancement of empowerment to the EC, if any, should only be considered in extraordinary cases. Furthermore, Delegated and Implementing Acts should be duly justified.

➤ "National openings" only in specific cases

- Giving the possibility at national level to facilitate the way to put on the market some products through national marks could be evaluated; however, national marks should be limited to very few cases to avoid creating barriers to trade.
- National requirements could be necessary in view of specific local conditions (climate, construction habits & traditions, geography, material availability, construction law, etc.).

➤ Market surveillance should be enhanced

- Member States must be actively involved in the market surveillance of all the construction products.

- Enhancing market surveillance and the international coordination of the Notified Bodies is the best way to operate the system. Appropriate and effective mechanisms should be set up to allow for communication, coordination, and cooperation between market surveillance authorities.
 - All the Notified Bodies should work in a homogeneous way across the EU, with the same level of competence for all countries. Accreditation of the Notified Bodies should be mandatory to prove their competence and the correctness of their work.
- **EN 15804 for environmental aspects**
- Environmental aspects could be implemented within the current regulatory framework. There is no need to include Environmental Verification Organisations (EVOs) in the system.
 - We reinforce our position that it must be made clear that product comparison is not the objective of BWR7. The assessment of the environmental footprint should be over the whole life cycle of the building/structure, and no comparisons should be made at construction product level.
 - The harmonised method should only be based on EN 15804 + A2, which was developed integrating part of the PEF approach under the specific needs of construction. Environment Product Declarations should be the only tool referenced in the CPR to comply with BWR7.
- **Circularity would be better covered in separate policies**
- We strongly support the promotion of re-use and recycling, nevertheless the topic circularity is way too complex to create common rules across all construction products, so the CPR should be independent of such provisions. For instance: i) the offer of recycled materials does not satisfy the demand; ii) imposing restrictions or obligations at product level (e.g. minimum recycled content) can promote products delivering worse results in the overall assessment; iii) many construction products already use recycled materials in their manufacturing, but often from an open loop.
 - CPR should be focussed on the structural safety of the construction products and on the delivery of relevant information to be used in later stages.
 - Construction product information, whether declared for newly manufactured (from virgin or recycled raw materials), for a reused or “remanufactured” product, has to meet the same level of confidence, or else different safety factors need to be applied to achieve the same guaranteed level of building performance and safety.
- **Declaration of Performance should include more than one essential requirement**
- We are of the opinion that it is positive, in certain cases, to make it mandatory to declare additional characteristics in the DoP to give the customers clear information of the fitness for use for intended applications.
 - The definition of which characteristics should become mandatory should be of the responsibility of the CEN product Technical Committees.
 - The manufacturer must be obliged to assess the performance or the characteristic by using test methods shown in standards, certified by external organizations, and thus ensure the correctness of the declared information.
 - Standards are considered to represent the “state of the art”.
- **Transitional phase as short as possible**
- For each single product the transitional multiannual phase-in period to adapt existing standards to a revised CPR should be as short as possible to prevent any market confusion or disruption. We highlight again that we do not see the need of big changes.
 - There is no need for a preliminary CE marking, it would confuse the customer and the market, and would raise legal uncertainty. The EOTA route to get CE marking for innovative products not covered by harmonized standards is more appropriate.
 - A distinct marking to distinguish between products placed on the market under the old CPR and those placed on the market under the new CPR would also be misleading.
