

Reference: European Commission's Inception Impact Assessment – Legislative proposal on substantiating green claims

PU Europe, representing the European polyurethane insulation industry, has been following the debate on the Single Market for Green Products for many years and welcomes the opportunity to provide input to the European Commission's Inception Impact Assessment on a legislative proposal on substantiating *green* claims. The PU industry supports providing fair, scientifically sound and harmonized information to the market, notably in the field of so-called *green* claims, and is committed to the success of a climate neutral and resource efficient Europe

A. General comments on the approach:

- Firstly, we subscribe to the assessment performed by the European Commission in its inception impact assessment of the problem at stake (part A-proliferation of methods and claims) and support mitigating this issue at the European level;
- Nevertheless, before devising policies on sustainable products or services, the meaning of *sustainable* or *green* shall be defined and their scope clarified. In today's context, most consumers would translate sustainability/green into impacts of the product/service to climate change in general and CO₂ emissions in particular. But the concept of sustainability is composed of three pillars: economic, environmental, and social—also known informally as profits, planet, and people. To our knowledge, while several dimensions of the environmental pillar are covered by European or international standards, most of the factors belonging to the economic and social pillars are still being researched. While the section on the problem definition speaks about a wealth of sustainable product policies initiatives (related to the European Green Deal), the actual webpage or the consultation refers only to green, to be understood as environmental, claims for products and organisations;
- We strongly advise that any legislative proposal for construction products takes a life cycle thinking approach. Policy decisions on certain life cycle stage can end up in creating a performance issue for the use phase for instance. With regard to the circular economy drive, we would like to highlight that circularity of products shall not be seen as an objective in itself but as a means of improving the *sustainability* of a product, organisation or service, not the other way around¹;
- We call on the European Commission to work on ensuring material neutrality and technological openness in its policies/legislations for construction products. All European industries are continuously innovating for making what is not economic today (chemical recycling to give an example) part of the toolbox of solutions of tomorrow;
- Finally, we would like to recall that even the less benign use of resource or action has an impact on our environment. The goal of the decision-makers shall therefore be to push the market towards more sustainable products, services and organisations (taking a front runner approach against a benchmark) and not fool the customers by making them believe that *sustainable* or *green* means zero impact;

¹ PU insulation products are highly durable with a lifetime > 50 years. The Durability performance of insulation materials shall not be compromised by circularity requirements decided without a proper consultation with the industry and a full impact assessment.

B. Construction products are not ready-to-use consumer products:

- We would like to recall the European Commission that construction products are integrated into building elements -they are intermediary products. The way to approach *sustainability* in the construction sector must be to start with the end-product, i.e. the building. To exemplify the above, a wall system consists of various construction products, specific fixings, construction techniques, finishing materials and so on. Replacing a construction product for another one deemed more "green" might lead to very significant changes to the remaining components of this system, and in turn the *sustainability/environmental* performance of the alternative system might be worse than the original one;
- It is our understanding that the forthcoming "Strategy for a Sustainable Built Environment" initiative due next year would aim to tackle the building's *sustainability* issue and would a) try to move LEVEL(S), a common EU approach to the assessment of environmental performance of buildings, to the next stage and b) deepen the ties of building to its construction works, adding new requirements to the Construction Products Regulation (note: this exchange of views between the member states regulators and the European Commission has already started on the essential requirement #7 *sustainable use of natural resource*). However it must be said that the above would merely focus on the environmental pillar of sustainability;
- Ensuing from the above, the PU insulation industry advises against the launch of sustainable construction products policy initiative, and asks decision-makers to further the use of the CPR for communicating to the market the *environmental* performance of construction products.

C. Environmental claims in the field of construction:

- This public consultation being on substantiating *green* claims, we would like to highlight that for construction products not all environmental factors are measured today by the Product Environmental Footprint methodology or by Environmental Product Declaration standards (EN15804);
- However, as far as *environmental* claims are concerned we have the below considerations to share:
 - PEF pilot exercise (Pilot project on Product Environmental Footprint Category Rules (PEFCRs) for thermal insulation - published in October 2019):
 - The PU industry took an active role in this pilot exercise which in the end, out of hundreds of end-use applications in the EU market, was only able to publish a PEF for two specific applications and not covering all the insulation products (final scope: Cellulose insulation applied in pitched roofs with massive timber rafters & EPS, PU and Cellular Glass insulation applied in non-accessible flat roofs with concrete structure). Furthermore, the disclaimer in our thermal insulation PEFCR highlights that "*For a good understanding of the scope and limitations of this PEFCR, it is important to note the complexity of construction products. Construction products are used and combined to obtain several performances in the final end product of the building. The aim of this PEFCR is, amongst others, to enable the comparison and benchmarking of thermal insulation products. For this goal, it was decided to calculate the environmental information at the level of the application at building*

element level (i.e. specific pitched roof and flat roof). This allows to make comparisons at this level, but has some important limitations. First, a predefined build-up had to be defined for Europe and does not represent the exact build-up in several EU Member States. The build-up defined should hence be seen as a (fictive) reference for comparison, rather than an exact representation of the real situation. Second, this approach allows only to compare systems rather than products, meaning that the environmental information does not refer to the impact of a single insulation product, but includes the impact of one or more insulation product(s) in combination with other construction products to achieve a predefined performance...

- Environmental Product Declarations (EN15804 - Sustainability of construction works - Environmental product declarations - Core rules for the product category of construction products) in the construction sector and their role today and in the future:
 - Since 2012, EPDs for various construction products have been used as the most relevant way to deliver, in an harmonized format, information about the environmental performance of products. Our members are holding numerous EPDs, and even ourselves as an EU trade association we are holding generic EPDs to share in a cost-effective manner that information (members can use our EU-average EPDs). The CEN TC 350 "sustainability of construction works" holds the pen for this standard and ensures its working with the other pieces of the *sustainability* puzzle like the assessment of the social and economic performance of buildings and civil engineering works. Recently, this TC has successfully passed an amendment to EN15804 to align it with the PEF approach (Commission Recommendation 2013/179), which means that EN15804:A2 should now be recognized as the "PEF for construction products";
 - In addition, it is worth mentioning that CEN TC 350 work is aligned as much as possible to ISO TC 59/SC17 activities so that costs and red tape for companies and users of EPDs can be minimized when advancing the sustainable building theme on the EU and global stages;
 - Finally, it is of paramount importance to highlight that LEVEL(S), a building assessment tool, is based on information contained in EPDs.

D. A way forward for environmental claims :

- In order to reduce the *environmental* impact of the construction sector, the current LEVEL(S) initiative should be further explored as it provides a foundational framework of common European indicators to measure and account for the environmental performance of buildings across their whole lifecycle. While still being tested and finetuned, there is little doubt that this vehicle is preferred by the vast majority of the stakeholders, from manufacturers to contractors;
- LEVEL(S) should be based on the environment performance of construction products with the continued recourse to EPDs, to be seen as PEF for construction products, and the setting of additional requirements² via the Construction Products Regulation.

² As explained under section A, European Technical Specification shall not set pass/fail criteria and be material agnostic.

About PU Europe:

PU Europe is the European voice of the polyurethane (PUR / PIR) insulation industry. The 110 manufacturing sites and more than 20,000 direct jobs in the PU rigid foam sector contribute to tackling the carbon footprint of the buildings stock responsible for around 36% of the CO2 emissions of the European Union (more information about us via www.pueurope.eu and lobbying transparency register ID number 27993486325-38).