

PU Europe feedback consultation on the Construction Products Regulation – review of EU rules

PU Europe is the European Federation of manufacturers of thermal insulation products, from construction products manufactured in factories to in-situ formed PU foam, based in the European Union and the UK.

We generally welcome the Construction Products Regulation (CPR) proposal as it builds on the existing single market legislation to cover environmental sustainability and circularity aspects. The text introduces a grandfathering principle for cited harmonized technical specifications until new standardisation requests are fulfilled. The fact that the CE marking is kept and that documentation can be transmitted via digital tool only are also welcomed. The link to the EN 15804 for declaring environmental sustainability is also something that the whole construction industry has been advocating for in order to convergence as soon as possible to sound and comparable data. With regards to chapters VI, VIII and IX, we value the efforts made at improving the existing framework for notified bodies and market surveillance authorities as it will ensure a better enforcement of the CPR. As regards international cooperation with non-EU countries, we hope that a bridge will be built in the future between the CPR and the UKCA legislations. Finally, we support the introduction of the trade-off principle in the legislation even though it will remain a rather grey zone during its implementation (numerous trade-offs are involved for manufacturers at the designing stage of a product: e.g. durability, resource use and recyclability, which have direct implications on the sustainability performance of the building).

PU Europe would like to raise the below comments on the CPR proposal:

- Throughout the proposal, we are finding mentions of *sustainable products*, which we believe should be altered to “more” sustainable products or higher environmental sustainability but absolute sustainability does not really exist;
- While the European Commission stated that Member States are given more responsibilities on the Standardisation Request and the definition of the harmonised zone, this is not clear from the reading of the proposal and would certainly benefit from clarifications;
- On the fall back route to grant the European Commission the power to issue harmonised technical specifications, even if oral statements made it clear that it would be an exception to the normal CEN route, some form of written reassurance in the text is very much needed (for instance in art (3)3);
- The *by default* approach to rely on delegation of power to the European Commission for setting all details (from administrative to technical ones) must be properly assessed (for instance in articles (3)5), (5)3, (34)...);
- While we understand that the objective is to grant environmental sustainability information the same level of stringency as tested safety & functional requirements, the CPR shall recognise that this kind of information is dependent of numerous assumptions from various stakeholders. For sure manufacturers and their raw material/service suppliers shall commit to make their best effort to ensure quality of data and applying properly the software, however their liability shall be commensurate with the difficulty of this task/area of control. We therefore believe that the level of information mentioned in the current proposal is far too broad and might impede the industrial competitiveness of raw material suppliers and manufacturers;

- In article 22.1, more information is needed with regards to the “software” that manufacturers will have to use. It is our assumption that most of the information that would feed that tool is already demanded when issued and EPD against the EN15804. Clarity shall be given on the development of the scenarios and the interplay of this software with the building assessment tool “levels”;
- Concerning article 22.2, there shall be a clear reference that existing EU or national laws in the field of environment or climate action cannot be overruled by the implementation of that point 2 (think of an obligation to integrate recyclates leading to investment in energy intensive processes requiring a new environmental permit). In addition, the "state of the art level" and “average” mentioned in this paragraph can create issues during implementation since it will be rather subjective and linked to local/national conditions (local raw material supplies/infrastructure existence - cost of energy...). As for paragraph/point 2.b, the preference given to recyclable materials must be based on an LCA approach. For point 2 (h), the wording on "avoid mixed blended materials" should be reworded since this is the very nature of several materials/products;
- In article 22 (5), the possibility for the European Commission to establish simplistic traffic light system should not be triggered for most construction products. A traffic light for the thermal insulation product family is not going to bring any value. Our construction products, like most of them, are integrated into building elements and in many cases the most environmentally sustainable building elements will not be comprised of only A-rated products. Sustainability must be assessed at building level based on clear and fair information from products;
- Concerning article 68 “Complaint Portal”, we would welcome clarity on the role of national authorities and this article. Furthermore, the filer of a complaint must justify it with clear reference to the CPR – hTS in question and be transparent on possible court case on-going and potential conflict of interest;
- With regard to article 78 “EU construction products database or system” and art 19 (5): the burden for manufacturers shall be limited to information that must already be provided under the regulation (i.e. sharing of DoP/DoC and Product information required) and the administrative burden and cost shall be kept to a minimum. It is important to highlight that ensuring twice a year the accuracy of the data by manufacturers will be burdensome. Moreover, liability related to those data should not be too drastic particularly when not critical (a longer grace period for uploading and correcting the data should be introduced);
- As for Annex I part C, par (2), the “state of the art”, “worst but realistic conditions” and “benign” terms (see par 2.1 (a) and (d)) should be made clearer otherwise challenges during implementation might arise.

PU Europe sincerely hope that the above comments will be taken into consideration in the next stages of the ordinary legislative procedure and would like to recall the support of its members to the EU long term carbon neutrality goal. Our products are critical in curbing energy consumption, and hence CO₂ emissions, during the use phase of buildings, from commercial, industrial, public to dwellings.

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.pu-europe.eu and lobbying transparency register ID number 27993486325-38).