

Grønn Byggallianses utkast til svar på EUs spørreundersøkelse om byggevareforordningen (på engelsk)

Grønn Byggallianse will respond to three topics in the survey:

- Topic 1. Scope of harmonisation
- Topic 12. Environmental aspects (BWR7 Sustainable use of natural resources)
- Topic 13. Circular economy (ombruk av byggevarer)

Topic 1. Scope of harmonisation

The scope of EU harmonisation refers to the level of harmonisation between all products covered by the CPR. Currently, the harmonisation consists in the Common Technical Language for assessing construction product performance. Changes in the CPR can either reduce or increase the scope of harmonisation of construction products in the Single Market.

1.1. Comments to best and worst

Best: Variant B) Variant A + Eliminate confusion about the scope of the CPR, for example by excluding some products where there is little need for regulation, little intra-EU trade and little safety or environmental concern. It would also explicitly include certain products where there currently is confusion about whether a product is covered or not (e.g. modules, kits and assemblies).

Worst: Variant E) Repeal the CPR: No EU-level harmonisation, mutual recognition applies but no Common Technical Language to express construction product performance.

The scope of harmonisation for the CPR needs to be clarified to address new manufactured products. For these the requirements for harmonisation on circular economy, environmental and sustainability aspects need to be enhanced.

In the scope it must be made clear that used and remanufactured products are repealed from the CPR. For secondary construction products, the EU should develop a suitable instrument to help member states assess construction product performance.

A harmonised European regulatory framework for construction will enable the European Union to deliver on its EU Green Deal strategic plans and Circular Economy goals.

1.2. Comments on the table

There is a need for a flexible approach to the development of harmonised product standards, allowing the industry to put forward sustainable and environmentally responsible technical solutions for new products, which match the sector's needs while continuing to satisfy regulatory aims.

Topic 12. Environmental aspects (BWR7 Sustainable use of natural resources)

The CPR does not include a harmonised method for assessing and communicating a construction product's environmental performance. It is likely that Member States will increasingly introduce national legislation on how to assess the environmental footprint of buildings and other construction works, and therefore indirectly also the environmental footprint of construction products.

12.1. Comments to best and worst

Best: Variant B) Introduce a harmonised method for assessing and communicating the environmental performance of construction products. The harmonised method would be based on an existing Life Cycle Assessment method, for example the Commission's Product Environmental Footprint or EN 15804. It is currently open which method that will be chosen.

Worst: Variant E) Repeal the CPR: No Basic Works Requirements

Life cycle based environmental impact requirements for assessing and communicating about the performance of construction products is much needed to operationalise the ambitions of EU Green deal, circular economy action plan and climate targets. The Product Environmental Framework (PEF) is not widely applied in the sector. LCA methodology, operationalised by third party verified EPDs (EN15804) should play a role. Indicators to address environmental aspects could include, but are not limited to:

- Hazardous substances i.e. according to REACH and/or Annex XIV
- Indoor air quality i.e. emissions of gases according to EN16798-1:2019
- CO2 emissions production and use (incl. embodied carbon)
- Resources – renewable / non-renewable materials, sustainability, use of secondary materials (content), and energy consumption

12.2. Comments on table

The EU needs to look at the technical specifications for the environmental product declaration, and consider the already existing standards, in particular EN 15804, to enable the use of the data declared for the assessment of the environmental performances of buildings. This can drive innovation, enhance performance, quality and durability to meet sustainability goals.

Topic 13. Circular economy

A circular economy is an economic system aimed at eliminating waste and promoting a continued use of resources. Currently, the CPR does not contain specific rules for used or remanufactured (i.e. altered in some way, e.g. by cleaning the products, cutting off damaged parts, or a new coating), construction products.

13.1. Comments to best and worst

Best: Variant B1) Allow certain used or remanufactured construction products to obtain CE marking in the same way as new products, with limited obligations for companies. Certain obligations would be introduced for manufacturers to promote the circularity of the construction sector, for example an obligation to take back construction products from a construction site that have not been used, or an obligation to ensure appropriate access to spare parts to repair damaged construction products.

Worst: Variant A) No specific provisions regarding the placement of used or remanufactured construction products in the EU single markets.

To enable a well-functioning market for secondary construction products, the EU needs to make explicit what regulations are governing used and remanufactured products, and that they are exempt from obtaining CE-marking. The CPR in its current form is not fit as an instrument to regulate these markets for three reasons:

- The CPR has been designed for manufactured new products and do therefore address the primary producers of construction products.
- Used and remanufactured products are usually not traded by the initial producer.
- The quality assurance and documentation of used and remanufactured products must be done in accordance with the national technical requirements and be aligned with the anticipated function / use for the next phase of the product.

For secondary construction products, the EU should develop a suitable instrument to help member states assess the performance of construction products.

The Commission together with the Member States and stakeholders should develop a policy and a regulatory framework for the reuse and recycling of construction products and materials based on life-cycle assessment to integrate sustainability goals and targets.

Used and remanufactured products must be subject to quality assurance and documentation to safeguard that products are fit for the intended use. This will require a different process and regulatory framework than is the case for new products.

To incentivise the circular economy within the CPR, the EU can introduce obligations for digital documentation on new products, legislate takeback schemes for unused construction products, and ensure appropriate access to spare parts to repair damaged products.

13.2. Comments on table

For used / remanufactured products, the EU needs to provide clear guidelines and regulatory framework so that member states are enabled in their follow-up of quality assurance and documentation of used / remanufactured products. In turn this can become a seed for innovation, new business models, new jobs in the built environment related to the emerging circular economy, extended product/material life, and thus more sustainable use of resources.