

EUROFER Position paper on the Commission's proposal for the revised Construction Products Regulation - 2022/0094 (COD)

The European Steel Association (EUROFER) broadly welcomes the Commission's proposal for a revised Construction Products Regulation (CPR) and supports the following elements in particular:

- Alignment with the Ecodesign for Sustainable Products Regulation (ESPR) proposal is essential for the steel sector which supplies to many different market sectors, with many steel products having 'dual use' in several applications including construction.
- The setting of minimum environmental performance requirements covering a broad spectrum of criteria will help create a level playing field in the construction market, that recognises environmentally sustainable products, without being undercut by lower performing products.
- The proposal also helps enforce the single market and a level playing field by preventing different environmental requirements in each member state.
- The potential of setting minimum requirements for Green public procurement will help drive the environmental sustainability of products.
- The limitation of requirements for reused products (under certain circumstances), must ensure the performance properties of the product are still matching the conditions of the original DoP and in accordance with other relevant CPR requirements.
- The role of harmonised technical specifications (standards) is retained to support the setting of product essential characteristics.
- The clarification of procedures and coordination in the area of voluntary European assessment documents (EAD) will help avoid unnecessary overlaps with harmonised standards.
- Reinforcing market surveillance will help enforce a level playing field for manufacturers.

EUROFER has identified the following clarifications and improvements that should be addressed during the co-decision procedure:

Delegated acts

- I. The regulation should explicitly include a greater role and direct participation for industry when developing the technical content of delegated acts. Relevant experts being nominated by member states have to involve industry experts in order to ensure their input is secured.

- II. There seems to be a dual approach for essential characteristics (DoP) and product requirements under the (DoC). The setting of minimum thresholds as part of the mandatory 'product requirements', should be more explicit in articles that empower the Commission to adopt delegated acts under Article 4 paragraph 3 and Article 5 paragraph 2. This can be implied from Article 4 paragraph 4 and Annex 1 Part C however it is not always explicit that minimum thresholds can be set in delegated acts as well as in harmonised technical specifications, especially for Annex 1 Part B and C.
- III. The mandatory content of a delegated act and the maximum period for adopting a delegated act should be the same as under the ESPR proposal (Annex VI). The current CPR proposal does not include an annex of mandatory content of a delegated act, unlike the ESPR, and the power to adopt delegated acts is conferred for 5 years under the CPR and 6 years under the ESPR.

Green public procurement:

- I. The requirements on Green Public Procurement should be strengthened to foster the transition to a more circular economy.
- II. When establishing sustainability requirements applicable to public contracts, CPR should match the procedures established in ESPR. Concretely, Article 4(h) in ESPR explains that requirements applicable to public contracts shall be based on the product parameters referred to in Annex I. This reference to specific parameters is lacking in CPR and should be included (in the context of CPR, pertaining Parts B and C of Annex 1).
- III. The mention of "including threshold levels" could be included in Article 84 ("Green Public Procurement") within the possible requirements to be considered.
- IV. Furthermore, the implementation of Article 84 through delegated acts must be understood as a priority for the Commission, maybe by setting out a timeline or expressly including this line of work in the overarching action plan.

Product requirements:

- I. The proposal should build on the experience from the current Ecodesign Directive and the European Commission's work on environmental footprint (PEF / OEF), in the development of harmonized methods for assessment of products' environmental performance, from a life cycle perspective.
- II. The standard EN 15804, that is commonly used for producing an environmental product declaration for a construction product, can lead to inconsistent comparisons in product or building assessments, and is not fully compatible with the results obtained if a Product Environmental Footprint is produced. We assume that the Commission will continue to pursue the ambition to harmonize the various product regulations so that prescribed methods for the environmental impact of products from a life cycle perspective become

harmonized and comparable. The steel industry would like to use one method of assessment used in the different market sectors, whilst allowing for different specificities.

- III. Annex I in ESPR can be understood as more concrete and ambitious environmentally than Annex I Part C in CPR. It would be a positive development if CPR product requirements more closely matched parameters in ESPR, Annex 1.
- IV. The beneficial use of by-products should be included in Annex 1 due to their contribution to resource efficiency and other environmental benefits, similar to that of recycled content.
- V. For reused products used for decorative purposes, traceability and market surveillance is needed to ensure the risk of products being used in structural applications is minimised. In the case of decorative use, or change of use, the original issuer of the DOP is relieved of any liability. For reuse in the original purpose, the economic operator must assess how each of the requirements in Article 12 (3) are met, and member states must enforce the certification.

Additional environmental obligations of manufacturers

- I. Article 22, gives preference to recyclable materials and materials gained from recycling, whilst not mentioning the use of by-products such as slag products, nor in the essential characteristics in Annex 1. By-products provide similar benefits as recycled secondary materials in that they can displace the use of primary materials and so should be equally promoted.

Digital Product Passports

- I. Digital product passports can help ensure that important information - about content, use, installation, disassembly, etc. - follows the product along the value chain, and is available when needed. This is especially important for long-lived "products" such as buildings. However, it is important that information is only available to the "right" actors, in order to protect trade secret information. The ownership of the information shall remain with the manufacturer, who should have control of the information used by third parties, to prevent misuse and commercialisation of their data without permission.
- II. Additional burden from documentation and reporting requirements, for instance in an EU database, may not be offset completely through digitalisation, and so further streamlining may be necessary.

Other sustainability aspects

The proposal should link to minimum requirements concerning social aspects of sustainability such as proposed in the proposed directive for due diligence.