

Cerame-Unie key messages on the proposal for a revised Construction Products Regulation (CPR)

The European Ceramic Industry Association, Cerame-Unie, welcomes the publication of the European Commission's proposal for a revised CPR. The ceramic industry fully supports the objectives to achieve a well-functioning single market for construction products as well as to contribute to the green and digital transition for a resource-efficient and competitive construction industry, in the light of the EU Green Deal. We support the principles of circularity and environmental sustainability and an easier information among economic operators enabled with digitalisation. Cerame-Unie also welcomes that Ecodesign requirements for construction products will be laid down under the revised CPR, according to the proposal for the Ecodesign for Sustainable Products Regulation. This will help to avoid duplication of efforts and unnecessary regulatory burden for manufacturers. While supporting the industry amendments developed by CPE/FIEC/SBS/EBC, Cerame-Unie would like to highlight below some key messages on the proposal for a revised CPR.

1) Exclusion of sanitary appliances from the scope of the CPR (art. 2)

Cerame-Unie is deeply concerned about the exclusion of sanitary appliances from the scope of the CPR, as this situation will create legal instability that will be detrimental for the industry. Manufacturers anticipate an increase of costs due to the necessity of additional measurements in accredited laboratories and the re-introduction of mutual recognition principles. With 11 harmonised product standards for sanitary appliances, the situation of standards and technical specifications once the current legislation will be repealed in 2045 is unclear. For the reasons detailed above, Cerame-Unie is asking the reintroduction of sanitary appliances in the scope of the revised CPR.

2) Definition of reused and remanufactured products (art. 3)

We welcome the proposed EC definitions of reused and remanufactured products. In particular, we support the reference to Article 3, point (1), of Directive 2008/98/EC (Waste Framework Directive), and the broad interpretation of reuse, which covers a variety of applications in building and construction. We would like to seek further clarification with regards to the notions of cleaning and common civil engineering knowledge.

3) Use of Delegated Acts procedure

Cerame-Unie believes that the Commission shall only adopt Delegated acts to amend or supplement non-essential parts of the existing legislation. In this context the use of Delegated Acts in the framework of the CPR should be further clarified and limited. More concretely, the harmonised technical specifications needed to support this legislation shall be developed through the standardisation process by the European Standardisation Organisations. A proper participation of stakeholders is of critical importance to gather technical knowledge and expertise and to avoid creating legal uncertainty. The list of basic work requirements is fundamental for standardisation, declaration of performance and CE marking and should therefore never be altered by means of Delegated Acts. The Regulation as such is the only right place to define these basic requirements and therefore any possible change should undergo the normal legislative (co-decision) procedure.

4) Additional environmental obligations of manufacturers (art. 22)

Although sustainability and environmental aspects are mostly relevant at building level rather than a product level, Cerame-Unie welcomes the growing need for communicating on the environmental performance of construction products. The ceramic industry reminds its commitment to delivering information related to the environmental performance of its products through a life cycle assessment (LCA) approach and the use of voluntary Environmental Product Declarations (EPDs). Since long, the EN 15804 standard, developed within CEN/TC 350, provides a harmonised methodology at European level to determine the product input for the assessment at building level and, should be used for all construction products. Harmonised technical specifications shall to the extent possible cover the essential characteristics related to life cycle assessment which should be based on core and additional indicators of EN 15804. Additional indicators of EN15804 have already to be calculated and described in the EPD project report. If they are also declared in the EPDs, these additional indicators can be used by Member States.

5) Traffic light labelling in relation to environmental requirements (art. 22.5)

Most construction products are B2B products. Labelling has a different relevance in the sector of construction products which is mainly a B2B sector than it has in the B2C sector. Such a traffic-light labelling would not reach consumers directly and therefore its usefulness is questionable.

6) Construction products database (art. 78)

In principle, such a European database would be welcome, if all existing (commercial) systems would be replaced and the European products database would be the only one. However, manufacturers fear that this EU database will come on top of databases already existing at national level and will impose additional costs. Furthermore, data privacy is key in the context of the EU Construction database in order to ensure that no confidential information is made publicly available.

7) Coexistence period between the 'current' and the 'new' CPR (art. 90)

The proposal states that the current CPR will be repealed in 2045. Cerame-Unie stresses that such a long coexistence period has high risk of creating confusion on the market with two coexisting ways to issue CE marking and Declarations of Performance as well as harmonised standards and technical specifications. It could lead to major distortion of competition which should absolutely be avoided.

8) Inherent product characteristics (Annex I part C)

The proposed inherent product characteristics cannot be fulfilled by manufacturers because certain mentioned risks are impossible to assess by a manufacturer (e.g. risk of misunderstanding instructions, risk of unintended inappropriate installation or use).

Cerame-Unie Aisbl is the European Ceramic Industry Association. Based in Brussels since 1962, it is the voice of the European Ceramic industry to the EU institutions. The European ceramic industry covers a wide range of products including bricks & roof tiles, clay pipes, wall & floor tiles, refractories, sanitaryware, table- & ornamentalware, technical ceramics, expanded clay and flowerpots. The industry generates over 200,000 direct jobs and a production value of €26 billion in the EU.