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FEICA position on the review of the Construction Products Regulation (EU) No. 305/2011

FEICA, the Association of the European Adhesive & Sealant Industry, is a multinational association representing the European adhesive and sealant industry. Today's membership stands at 15 National Association Members, 24 Direct Company Members and 19 Affiliate Company Members. The European market for adhesives and sealants is currently worth almost 17 billion euros. With the support of its national associations and several direct and affiliated members, FEICA coordinates, represents and advocates the common interests of our industry throughout Europe. In this regard, FEICA works with all relevant stakeholders to create a mutually beneficial economic and legislative environment.

Background and current situation

The implementation of the Construction Products Regulation (CPR) is currently through CEN standardisation and the resulting harmonised product standards. Today there are around 450 harmonised CEN product standards. The benefits of these standards are substantial. Instead of 27 different test methods for one essential characteristic, one test suffices. This avoids unnecessary costs and increases the pan-European product range. The standards represent a "common European language" to which manufacturers, users and national regulators refer. They are the basis for the internal market for construction products. Harmonised CEN product standards are:

- used by manufacturers to declare the performance of their products in a common European language.
- used by Member States as a reference to establish their national requirements.
- used by planners and architects to describe the required performance of construction products in Europe-wide tendering.

Existing harmonised standards must be regularly revised, and new harmonised standards must be created to fill in remaining gaps and ensure adaptation to technical and regulatory progress.

Unfortunately, and due to formal reasons (e.g. ECJ judgement C-613/14 James Elliot) the harmonised standardisation process for construction products is currently at a standstill. Technically revised standards are no longer cited in the Official Journal due to formal errors and adaptation to technical progress has been halted.

This situation seriously threatens the internal market and if it is not resolved in a timely manner it could result in major financial losses in the supply chains of the construction sector. **Therefore, and whilst awaiting the results from a possible review of the CPR, the European Commission has to ensure the continuous working of the standardisation process to safeguard the smooth functioning of the European single market.**

Review and future of the Construction Product Regulation

The European Commission has analysed the existing CPR and has concluded that a fundamental review is necessary. As regards a possible review of the CPR and the future regulatory framework, FEICA would like to make the following comments:

- The single market for construction products needs to be protected

The internal market for construction products that was first established under the Construction Products Directive (CPD) and further developed under the Construction Products Regulation (CPR) needs to be fully maintained. Furthermore, the harmonised product standards that were established over decades need to be maintained and reviewed and adapted to technical progress where needed.

All three options outlined by the Commission for so-called 'focusing' of the CPR (option C) would significantly impact the existing internal market. Construction products already harmonised (product categories) would be de-harmonised again. This is not necessary, would weaken the internal market and adversely affect all stakeholders in the construction sector. Against this background, FEICA rejects the idea for focusing the CPR.

To better account for the requirements of the Member States, the Commission proposes to define the border between the harmonised and non-harmonised areas of some construction products. In these cases, Member States would then have the possibility to set national requirements for "partly-harmonised" construction products in the non-harmonised area.

In our view, this option would contradict the basic principle of "exhaustiveness" and thus the objective of the single market. Indeed, this option would lead to a dismantling of the single market and would undermine previous efforts to eliminate European trade barriers. **FEICA strongly opposes the split into harmonised and non-harmonised areas, which would be detrimental to the European single market for construction products. Instead FEICA advocates that all relevant essential characteristics of a construction product be identified, with the involvement of the Member States, to document them in a clear standardisation request and to harmonise them in a harmonised product standard.**

- CEN standardisation must remain the preferred route for harmonised technical specifications

Due to formal shortcomings in the existing standardisation procedure, the European Commission is questioning CEN as the sole standardiser and is contemplating introducing harmonised technical specifications itself by means of delegated or implementing acts.

CEN product standards and their introduction as harmonised standards by the European Commission are the only process that ensures that the necessary technical expertise is gathered and that all stakeholders (manufacturers incl. SMEs, testing bodies, TABs) are involved.

Therefore, FEICA would prefer a phased procedure where the CEN standardisation route would stay the norm. However, in justified and exceptional cases, the Commission could step in to introduce harmonised criteria itself. This option should only be applied where CEN has not carried out the relevant standardisation mandate from the European Commission (or has not done so within a reasonable timeframe) or where serious danger to the safety of buildings or to human health and the environment is identified and the necessary measures cannot be taken fast enough through CEN. To improve the functioning of the existing CEN standardisation route, clear guidance from the Commission on how to respond to the mandates as well as good communication between CEN and the Commission will be key. This includes not only the publication of general guidance papers but also clear indication to the relevant standardisation committee which mistakes have been made to fail the approval and the installation of quick and effective communication to the this TC.

- Harmonised procedure for environmental impacts of construction products (EPD, EN 15804)

The European Green Deal and the Circular Economy Action Plan of the European Commission call for a renovation wave and demand that the upcoming CPR review adequately addresses the sustainability and circular economy aspects of construction products.

To meet these challenges, the construction sector needs a uniform method for determining and communicating the environmental impacts of construction products during their entire life cycle. Environmental product declarations (EPDs) according to EN 15804 have proven to be a functional tool in this respect. They are widely used and available for many construction product families.

Furthermore, the recent revision of EN 15804 (A2 amendment) included the adaptation to the Product Environmental Footprint (PEF) methodology. Therefore, EPDs according to EN 15804+A2 can be understood and used as a form of the PEF methodology that is specific to construction products.

FEICA believes that EPDs according to EN 15804+A2 should form the basis for product-related statements on environmental impacts and sustainability assessments at building level.

- Digitalisation should make communication along the construction supply chain more efficient
The volume of relevant information to be communicated under the CPR will steadily increase, especially due to requirements related to sustainability and environment. Whilst practice has shown that there is no need to duplicate information in the Declaration of Performance (DoP) and in the CE marking, it will also not be possible to reflect all this information in the CE label on the product.

Therefore, IT tools should assist users of construction products to assess whether a product in a given Member State is permitted for the intended use. Replacing bureaucracy and printed information by digital solutions would lead to better information and explanation for consumers. Concepts and methods (such as BIM, Smart CE marking and Digital Logbook) are important developments which should absolutely be supported by a reviewed CPR.

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