

EAE's position on the Construction products

Review of EU rules (roadmap)

1. General

The European Association for External Thermal Insulation Composite Systems (EAE) welcomes the European Commission's initiative to review the Construction Products Regulation (CPR) to improve the functioning of the single market for construction products. We encourage the European Commission, Member States, and stakeholders to take consolidated action to overcome the obstacles and uncertainties observed in recent years. This can only be achieved in a constructive and open-minded dialogue between all parties concerned.

EAE strongly believes that a well-functioning single market for construction products providing a level playing field for all manufacturers will help bringing Europe's economies back on a sustainable growth path and to achieve the objectives of the European Green Deal. In this regard EAE broadly agrees to the identification of current problems in the Commission's inception impact assessment.

Detailed feedback on the different options described under "B. Objectives and Policy options" we will consider separately and reply via the public consultation closing 31st August 2020. However, we would like to take the opportunity to already highlight some aspects that are relevant from our perspective and need to be considered in the ongoing process.

2. Common understanding and coherent regulation

Describing the context under Clause A, the Commission states that the "CPR does not set product requirements for construction products but harmonised rules on how to express their performance in relation to their essential characteristics and on the use of CE marking on those products. The Member States are responsible for safety, environmental and energy requirements applicable to construction works."

Given the experience of recent years and our involvement in both CEN and EOTA working bodies, we observed that the problems already start with a common understanding of the principles of the CPR. Harmonised technical specifications aim to provide a common technical language on how to assess products and how to express their performance. This lays the ground for a level playing field for all manufacturers to place construction products on the European single market and to avoid numerous assessments to obtain national approvals or certificates. According to experience the latter leads to significantly higher costs for both manufacturers and consumers. If national assessments differ, test results obtained in one country cannot be used in further countries. Mutual recognition as described under Option E and partly under Option C (Element 2) will not work in practice but tend to be used by member states to create new barriers to trade.

EAE members strongly support the basic principles as already set out in the current CPR, leaving the decision about national application requirements and safety levels to the member states but based on

Position paper

19th August 2020



harmonized technical specifications. It is then left to designers, architects, and applicators to check the compliance of the construction product's performances as given in the Declaration of Performance and the CE mark with the national requirements as to be found in the national building codes. However, this can only be achieved if harmonized Technical Specifications sufficiently address the national needs, and, in parallel, if national building regulation is fully compliant with the CPR principles. Both is sometimes missing, and mandates or standardisation requests do not provide sufficient and reliable input for drafting standards or EADs. This is often due to the fact that member states do not notify at this stage all their regulatory needs. At least this applies to ETICS and is one of the key problems why both the EOTA route and the CEN route turned out to be extremely time consuming – together with the complexity of assessments needed due to the nature of composite systems (kits).

3. Avoid contradictions and overlaps of different EU legislation

EAE strongly agrees to the Commission that contradictions and overlaps of different EU legislation must be avoided in the future. The CPR should be the guiding legislation for the construction sector. We encourage the Commission to coordinate policies horizontally. This will avoid unnecessary efforts and costs and provide legal certainty for all actors in the construction sector.

4. Clear guidance and transparent criteria

EAE strongly recommends providing clear guidance and transparency to allow members of the CEN and EOTA working bodies to consider the legislative obligations when drafting the common technical language for the different construction products. We appreciate the attempt made with the Joint Initiative on Standardization and the announcement of the European Commission officials in recent stakeholder web meetings to publish the “check-list” used by the Commission services to assess draft standards and EADs ahead of citation in the OJEU.

Like required by the CPR in the standardisation request procedure, already at the beginning of any standardisation process member states shall provide all product properties that are relevant for their building regulation. In addition, it should be possible for standardisation bodies to propose amendments to the standardisation request if the working group members identify further or better properties to address member states' regulatory needs. Here the CPR acquis process might be a way to solve the problems of long decision-making processes.

5. Different routes to CE marking needed

EAE members strongly recommend different routes to CE marking as set out in the current CPR. The CEN route seems to be the best way to create harmonised technical specifications for those construction products that have been approved in practice. On the other hand, manufacturers need to have the option to take a faster and private route to place innovative products and products beyond the scope of a hENs with CE marking on the market.

However, we recommend taking care that in EOTA overlaps in the scope of EADs should be avoided. EADs should, as far as possible, refer to the identical assessment methods of CEN standards for related

Position paper

19th August 2020



products. EADs should focus on those aspects where either no assessment method exists to address certain characteristics or where the CEN assessment turns out not to be applicable, especially due to the innovative nature of the product.

What we observed in recent years is that it should be possible to apply for EADs via European associations of a sector in addition to applications of single manufacturers. The transition of ETAG 004 to EAD and the EAD for ETICS on timber substrates demonstrated that bringing experts of the sector together to commonly elaborate documents with relevance for numerous manufacturers creates benefits and helps to create a level playing field (like ETAGs provided under the regime of the CPD). The confidentiality requirement for EADs turned out to create more problems than the benefits of transparency. EAE members are in favour of having a transparent route to develop harmonised assessments that in the end apply for all following manufacturers.

Further routes to CE marking cannot be assessed by EAE members today as there are no specific proposals available yet. However, we believe that too many different options tend to increase the complexity to follow all activities and to reduce the transparency. The acquis process when introduced primarily focus on quick resolution of (political or legal) problems that block progress in CEN and EOTA processes. The mandate to alternative routes must be clear. For EOTA the original mandate was to cover innovative products not covered by the scope of a hEN. If the European Commission intends to introduce another alternative route to CE marking, it should be considered for instance for products with an extended field of application not originally foreseen in the scope of the harmonised assessment method.

6. Product Contact Points for Construction

To further support the standardisation process of ETICS and to make sure that the draft standard sufficiently addresses the regulatory needs of member states, the EAE got in contact with all PCPs. We identified that the time to respond and the information received widely spread. This makes it difficult for internationally operating companies, architects, project developers, contractors, etc. to make themselves familiar with the national requirements.

As the European Green Deal and the recently negotiated recovery package identified digitalization as key enabler for future growth, the European Commission together with member states and stakeholders might consider establishing a unified data base to digitally obtain the relevant information. This would additionally allow IT solutions matching the content of an individual DoP with the regulatory needs of the respective member state and building type/use.

7. Enhancing market surveillance

Like the situation with PCPs the member states' approaches to market surveillance is significantly different per date. Some member states only assess the formal compliance of documents (DoP, CE mark) with the principles of the CPR; others are aiming to check the compliance of construction product's properties with their declared performances. Here a harmonized approach would be highly appreciated by EAE members to achieve legal certainty. In view of customer protection checking the

Position paper

19th August 2020



compliance of product's performances on samples taken from the market will bring much more benefits than just checking if the formal requirements of documentation are met.

8. Addressing environmental properties

We understand that the Commission aims to materialise the commitments of the European Green Deal and the Circular Economy Action Plan by introducing further environmental aspects to the CPR. However, EAE has strong concerns as not all aspects can be sufficiently addressed on the product level. The design of buildings and construction works also plays an important role. It often significantly influences e. g. the energy efficiency, the durability, and the resilience of buildings. Environmental assessments reduced to the product level alone might lead to misleading interpretations.

Any revision of the CPR should avoid introducing environmental requirements (e. g. mandatory recycled content levels, reusability, etc.) in the hTS. The declaration of such performances in a harmonised way may be acceptable, but it should be left to the building owner to choose the product that fits best to the building design and intended use.

We are fully committed to produce environmentally friendly products and have proven in practice that our sector constantly improved the environmental impacts, aiming to contribute to a more sustainable and circular economy. However, environmental performances should be part of a broader set of technical specifications to be considered for the construction works. Some assessments should be left to the assessment on building level as the design might also contribute to the environmental impact.

The ETICS sector made positive experience with generic EPDs. They are broadly accepted for building certification schemes. Including information in the DoP which is today presented in EPDs will significantly increase the complexity of any new DoP. And it would increase the costs for manufacturers. As generic EPDs are calculated on the safe side, their properties should be applicable for at least the majority of ETICS and it should be left to the decision of the manufacturer whether he refers to generic or individual manufacturer or product specific EPDs.

However, if the Commission continues the way to include environmental properties to future DoPs disruptions during the transition period should be avoided. As this will cause delays in standardization and costs for adaptation, industries should be given sufficient time to adapt all technical specifications, product assessments, product documentation. For environmental assessments, a harmonized approach is needed in all member states. This has not yet been fully achieved via EPDs.

To achieve fair competition, the same assessments must apply for all construction products of a product category. There must be a technical neutral approach and no "political" preferences for single products if not justified by objective assessments.

9. Enhancing the kit definition

We observed that there is still legal uncertainty regarding the definition of kits despite the definition provided in Article 2 no. 2 of the CPR:

Position paper

19th August 2020



2. 'kit' means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works

For the performance, safety, durability, and environmental aspects of ETICS it is essential that ETIC kits are understood as one single construction product which is created by a combination of components selected and produced or purchased by the kit manufacturer. It should be clearly differentiated from construction works or parts thereof where the construction works is created by assembling single construction products on site or in a factory in case of prefabricated solutions.

Kit manufacturer is the economic operator who places the final product "ETICS" (= kit) on the market under his brand name as already defined in Article 2 no. 19 of the CPR. Components must be understood as raw materials to form the final product. It is left to the recipe of the kit manufacturer which component properties are required to guarantee the performance of the final kit. This needs to be specified in factory production control plans (including incoming goods inspection). If appropriate, cascading should be allowed if agreed between kit manufacturer and supplier.

We recommend clarifying the kit definition as follows (additions in blue):

2. 'kit' means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works; the definition by which components the kit is created shall be given in the respective harmonized technical specification and the kit manufacturer's documentation. All obligations of a manufacturer apply to the kit manufacturer. Components of a kit are not deemed to be placed on the market individually, even if shipped separately and/or subsequently to the construction site for logistic reasons.

10. CPR and digitalisation

The digitalization of Europe's economy was identified highly relevant in the Communication of the European Green Deal, the Next Generation EU, and the Multiannual Financial Framework. EAE is convinced that digitalisation can significantly contribute to enhance processes in the construction sector. Therefore, the review of the CPR should consider this. The making available of relevant information by electronic means should be clarified to achieve legal certainty; Delegated Acts or revised clauses should enable quick and easy adaptation of future innovative solutions.

Considering that the complexity of information to be given in the DoP will increase, manufacturers should be allowed making available DoPs only via electronic means, provided the content is easily accessible by widely used technologies. This would especially help ETICS manufacturers to make DoPs and CE marks available. As the final product is created on site by incorporation of components to the construction works it is simply not possible to apply the CE mark on the final product. A unified approach is needed to sufficiently cover the specific needs of composite systems (composite kits).

Position paper

19th August 2020



11. Policy options

The European Commission described different options to unlock the construction sector's growth and job potential and assessed the expected impacts. Following EAE's beforementioned observations and proposals, we cannot agree to options that would lead the way out of a Single Market. Relying on mutual recognition did not work in the past, neither it seems realistic that it will work in the future. Therefore, Options E and Option C Element 2 are not acceptable from that perspective. Limiting the scope of the CPR as described in Option C seems to fall behind what has been achieved already – despite all difficulties.

EAE members expect that Options A and B would finally require similar efforts and costs. Independent whether necessary adjustments will be made via “soft legislation”, Delegated or Implementing Acts or via a CPR revision, manufacturers will have to adjust their product documentation accordingly and to inform the market. Legal certainty would be improved; probably this aspect will be stronger following Option B.

12. Intermediate solutions urgently needed

Until the final decision is taken if and how the CPR is going to be revised and set into force, the European Commission must ensure that new harmonized technical specifications can be elaborated and cited in the OJEU. Industry cannot afford a continued situation with blockage, not even being able to amend existing technical specifications.

EAE appreciated the announcement of Commission officials in the web ´meeting held 13th July 2020 that capacities of HAS consultants will be available even for those construction products not fully prioritized in the CPR acquis.

13. Dialogue with stakeholders essential

EAE appreciates the Commissions approach to solve the problems identified in dialogue with member states and stakeholders. This open and constructive dialogue is essential to overcome obstacles in a transparent way. Only if the industry is involved in this dialogue, solutions can be found that are operational in practice and comply with the legal provisions of the European Union and its member states.

EAE is fully committed to contribute to this dialogue and offers its support.

Brussels/Baden-Baden, 19th August 2020

Ralf Pasker, Managing Director

Position paper

19th August 2020



About EAE

The European Association for External Thermal Insulation Composite Systems (EAE) is formed by 12 national ETICS associations, 6 important European components' associations and 11 supporting company members. The EAE represents about 80 per cent of Europe's revenue from ETICS. The European ETICS market includes international operating companies as well as hundreds of SMEs.

The EAE represents the ETICS business in CEN and EOTA working groups as well as in public consultations of the European Commission. EAE is a member of Construction Products Europe (CPE), the European Council for Construction Research, Development and Innovation (ECCREDI), the Construction 2050 Alliance, and supporter of the Renovate Europe Campaign. Furthermore, EAE is in contact with associations and initiatives beyond European borders. The association holds liaisons with the EIFS Council of Canada, the China Association of Building Energy Efficiency (CABEE), the Japanese Association for Housing Thermal Insulation Technology Coop. (NDJK) and the EIFS Industry Members Association (EIMA) in the United States of America.

Contacts

Registered office

Friedhofstraße 3
76530 Baden-Baden
GERMANY
Phone: +49 7221 94477-40

Brussels office

Bld Reyerslaan 80
1030 Bruxelles/Brussel
BELGIUM
Phone: +32 2 416 21 74

www.ea-etics.com

info@ea-etics.com

European Transparency Register: 150628337276-48