

To

The European Commission

Oslo, 12. July 2022

Feedback from Treindustrien on the proposal of a new Construction Product Regulation

Treindustrien (The Norwegian Wood Industry Federation) refers to the ongoing consultation process in the EU on the European Commission's proposal for a new Construction Products Regulation - CPR.

Treindustrien (The Norwegian Wood industry Federation) is an industry organization for manufacturers of building materials made of wood, such as construction timber, panel and cladding, glulam, prefabricated elements etc. Treindustrien represents about 110 companies and is part of the Norwegian Construction Industry Association and the Confederation of Norwegian Enterprise (NHO).

There are major weaknesses in the current regulation, as has also been identified in the preparatory work for the new regulation. This applies to challenges related to the publication of new and revised harmonized product standards. In addition, today's regulation does not deliver well enough on climate, environment, circular economy and digitization. Treindustrien therefore welcomes an updated regulation with ambitious goals in these areas. However, there are many aspects that seem unclear in the new regulation, and clarification is needed. The regulation must be understandable and user-friendly.

Climate and environment

Treindustrien supports the introduction of climate and environmental criteria in the new regulation. It is necessary that the regulation can work as a tool to reach broader sustainability goals in society. It is also referred to the proposed "Ecodesign for Sustainable Products Regulation". It must be clear to the manufacturer which regulations and requirements apply. It would be better if the requirements in their entirety are included as part of the CPR, so that the manufacturer has a "one-stop-shop" for this.

It is not clear in the proposal how greenhouse gas emissions from materials will be documented. Manufacturers of construction materials have invested in and implemented environmental documentation in the form of Environmental Product Declarations EPD. The use of EPDs is well established in the construction industry. It is important that documentation of greenhouse gas emissions in accordance with the CPR, are based on the EPD framework. This to ensure uniform documentation and avoid increased costs.

The Commission reserves the right to introduce a system of "traffic light labeling" through delegated acts. This will be a type of eco-labeling of products aimed at consumers. In this case, it is important to continue to allow, as well as promote EPDs in the Business-to-Business market. For comprehensive climate assessments of buildings, information from an EPD will be more relevant to be able to assess the best overall solutions for a building.

The Commission initially writes that it should stimulate the use of low-carbon products and products that store carbon. However, it is not clear in the regulation itself how biogenic carbon and carbon storage will be promoted, and this should be specified.

Digitization

Treindustrien welcomes that the proposed regulation refers to the digitization of product information, through the introduction of Digital Product Passports and a database for construction products. It is not clear how this will be carried out in practice, related to costs and methodology. It is important that these solutions are user-friendly and ensure that the information can be easily distributed between different digital systems throughout the value chain. In Norway the industry is preparing product data templates (PDT) based on the structure given in the standards EN ISO 23386 and EN ISO 23387. As part of this, work is also being done on digital structuring of EPD data in accordance with the new standard ISO 22057. There are many initiatives to establish digital platforms for product information, where countries and industries in Europe have different approaches and there is a lack of coordination. Through the digital initiatives in the new CPR the EU could create a common ground for digitization. Digital information regarding product properties should also be included when updating harmonized product standards in line with the new regulation. It should be considered whether the digital structure for the properties should be included in the standards, for example in an annex with harmonized GUIDs. It would also be beneficial if the digital solutions simplify market surveillance.

Circular economy, re-use and quality

Treindustrien supports that circular economy is part of the proposed regulation. It is positive that used building materials are included as part of the regulation. However, there ought to be emphasis also on renewable materials. Renewable materials are in themselves part of a circular cycle.

The regulation must first and foremost promote quality and longevity of products. It is also important that products are designed so that they can be repaired, reused, reproduced and recycled. However, it is unclear what this will mean in practice. Manufacturers need further clarification and guidance to be able to develop good solutions for the market, that meet the demands set in the CPR. There is also a need for further clarification of definitions related to several of the concepts. For instance, where does the line go between re-production and recycling?

Modified declarations of performance for used products are needed. It is important to facilitate simple re-documentation of construction materials to promote re-use. At the same time, documentation requirements must ensure safety and environmental concerns, and not impose unreasonable liability on the original manufacturer. The preparation of modified declarations of performance for "used, remanufactured and surplus products" is described in Article 12. The requirements appear unclear. The criteria ought to be easier to understand and at the same time facilitate safe re-use of construction products. It is also necessary to clarify legal responsibilities.

In Annex 1, Part C, requirements are set for declaring product safety requirements. A manufacturer is of course responsible for safety aspects of the product until it is delivered, but it is unreasonable for the manufacturer to take responsibility for product safety throughout the product's life cycle. This because properties can be negatively affected by the handling and use of the product in the finished building.

Under Article 22 manufacturers must: "accept to regain, directly or through their importers and distributors, ownership of surplus and unsold products that are in a state equivalent to the one in which they were placed on the market." This is also an unreasonable requirement to place on manufacturers, which affects

contractual business relations between market actors. These are matters that should not be regulated in the CPR.

In accordance with Article 22 the manufacturer shall prefer recyclable materials or materials that have been recycled. Renewable materials should also be included. It is an important principle that both the original *renewable* materials that can later be recycled *and* new products made from recycled materials are preferred.

In accordance with Article 22 manufacturers shall comply with the minimum content of recycled material and other environmental and climate limit values in harmonized technical specifications. It is somewhat unclear what this means. Will there be set requirements for selected product types, or will all products have required minimum recycled content? The latter is not realistic, nor desirable in terms of longevity, product quality and other characteristics. Solid wood products will in practice be excluded, and we assume that is not the intention of the CPR. For some products, for example fiberboard products, it could be more relevant with requirements regarding recycled content, or for an entire building.

Documentation

It is desirable that the new CPR clarifies which properties are to be declared for a product. Today, it is only required to declare at least one property. The new regulation should be much clearer on what is required. The updated harmonized standards for different products must have a similar structure, where it is easy to find which properties are essential and must be declared. This will make the standards more user friendly.

The descriptions of the various verification systems have been significantly expanded in relation to the current regulation. This could mean that Notified Bodies must follow up on several more checkpoints in each system. This in turn can have cost consequences for the manufacturers, and it must be considered to what extent these are proportionate measures.

A new system 3+ for environmental documentation is introduced. It is not clear whether system 3+ should be used only for control of environmental properties. It is our understanding that a product can be placed in different systems of verification, for different purposes. This should be clarified in the regulation.

Hamonised zone and national measures

With regards to Article 7 "Harmonized zone and national measures" Treindustrien is concerned that the regulation oversteps into what ought to be national responsibilities. Particular consideration should be given to the consequences this may also have for national adaptation in the building regulations. Local conditions, weather conditions as well as industry and construction practices may justify separate requirements nationally. It is our understanding that there can be no mandatory labeling schemes nationally, but that it will still be possible with voluntary labeling schemes. It is important that this possibility is maintained. It is also crucial that the provisions of Article 7 do not prevent public procurement from setting innovative and green demands.

Implementation

In several parts of the proposal the Commission reserves the right to take decisions through delegated acts. It seems unclear when delegated acts will be used, and what will be the criteria. It is important that

requirements for delegated acts are predictable and clear. It is positive that the EC will ensure that the regulations are targeted to achieve societal goals and have tools if the standardization bodies do not deliver as expected. However, this must not contribute to uncertain framework conditions, which in turn can have an impact on industry investments. It is therefore important that the standardization requests from the EU to CEN are clear and feasible. It should only very exceptionally become necessary to introduce product requirements through delegated legal acts.

It is somewhat unclear how the transition period from old to new regulation will be resolved. To ensure a level playing field, it is important to strive for the shortest possible transition period. It must be ensured that the transition to the new CPR does not cause distortion of competition between different product groups. There are many harmonized product standards that need to be updated and specifications that need to be in place in the regulation / delegated acts. This will be challenging and time-consuming to follow up for the manufacturers. It is crucial to have good guidance from the authorities to have a thorough understanding of the requirements in force at any given time in such a transitional phase.