



Statement on the amendment of the Construction Products Regulation - Status 30.3.2022 (German version)

The European Quality Association for Recycling e.V. (EQAR) is the European umbrella organisation of national quality protection organisations and producers of quality-controlled recycling building materials from the EU member states.

The EU Commission published the draft of a new Construction Products Regulation on 30 March 2022. This is intended to repeal the previous Regulation (EU) No 305/2011 (EU Construction Products Regulation, EU CPR) and amend Regulation (EU) 2019/1020 (Market Surveillance Regulation, MÜV). Economic operators have until 12 July 2022 to submit comments on the initiative via the "Have your say" platform.

We welcome the draft of a new Construction Products Regulation presented by the Commission on 30.3.2022. In particular, we support the Commission's objective to achieve a well-functioning internal market for construction products and to contribute to the goals of the ecological and digital transformation, especially to a modern, resource-efficient and competitive economy.

In general, we would like to state at the outset that the transitional periods indirectly set by Article 92 until the year 2045 are considered to be clearly too long for the necessary transformation of the deficient regulations of the current BauPVO.

Furthermore, the text of the draft does not clearly and sufficiently differentiate between requirements for "construction products" and "construction works".

In addition, we are very critical of the significant expansion of the EU Commission's powers to issue delegated acts, which also go beyond the legal framework (Article 290 (1) TFEU). For example, the EU Commission can make legally binding decisions on whether the regulatory content of standards is sufficient or whether there are risks to safety, health and environmental protection without the involvement of the Parliament or the Member States. This makes rule-making almost incalculable for all parties involved. The powers of the EU Commission must therefore be significantly reduced.

In the recitals, facilitations for the re-use of (already assessed) construction products are specified under (14). In principle, this is to be welcomed. However, the explanations of Article 29, in which the obligations of economic operators who dismantle products or handle used products intended for reuse or reconditioning, call into question the actual practicability and ease of implementation.

Under (30), member states are given the option to recycle reclaimed ("remanufactured") products from the obligation to draw up a declaration of performance. to be exempted. The question arises here whether this also applies to mineral recycling building materials.

made from building materials that have become waste. In any case, a Clarification on this issue should be made.

The demand (44) is fully in line with the interests and demands of EQAR.

The easy separability of components is a fundamental necessity to enable the recycling of construction waste in a high-quality form. Attention must be paid to this in both the building product and the building structure.

Particularly in the case of composite building materials, easy and simple separability is a prerequisite for keeping them marketable at all. In the case of building materials and their use in structures, it should be made clear that punctual bonds should be given preference over laminar bonds. In any case, detachable connections should be given priority over other connections. This also applies to the further processing of building products and thus to their installation in the building.

For the implementation of (44), the proposed path (45) is also welcomed by EQAR.

With regard to the power of the Commission to adopt delegated acts as expressed in (47) to lay down specific labelling requirements, this is in any case under consideration and consultation of technical bodies such as CEN.

A particularly important contribution is (90): Public procurement is a important lever to push sustainability in the construction industry. The requirement to use compliant and most sustainable products must be fulfilled in all points of the tender. In addition, it should be considered that the obligation - in a possibly weakened form - also applies to private contracts outside of public procurement contracts.

Points (104), (105) and (106) are also supported by EQAR. The point made in the last The subsidiarity principle referred to in paragraph (106) must be applied with care and caution. to be applied.

The validity of the Construction Products Regulation referred to in Article 2 of the draft also for the deconstruction is a central statement and is viewed very positively on the part of EQAR. Article 3 (2) sets out a definition of "permanent". Concerns are raised about It is given that this definition is or can be in conflict with general specifications on the durability of buildings etc. (which generally refers to decades).

The assessment of the manufacturer required in Article 22, pt. 1, should be made through a "disclosure". replaced, the manufacturer itself does not assess.

The stipulation of Article 22, pt. 2 (B), namely the preference of recyclable and through EQAR fully supports giving preference to recycled materials.

Similarly, the definition of a minimum percentage of recycled material of Article 22, pt. 2 (C) is a milestone for the development of a circular economy in construction.

With regard to Article 22, point 2 (H), it should be clarified that this applies in particular to products which but also the installation of these products in structures has to be carried out in such a way that the recycling facilitated and, in particular, by facilitating the separation of components and materials is made possible in the later phase of recycling.

The provisions of Article 84 on Green Public Procurement will be implemented by EQAR. supported. In point 2 we propose to turn the suggestion into an obligation: It should include binding technical specifications, selection criteria, award criteria, contract performance clauses or targets are provided.

The requirements in Annex I, point 1.8 need to be specified and concretised:

In point 1.8 A, it should be made clear that secondary products are preferred over raw materials. and these two before other substances with a higher ecological footprint.

In point 1.8 (E), it is necessary to specify in particular what is meant by recyclability. is.

Berlin, 06.07.2022

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