

# Position Paper

## Plastics Europe initial comments on the revision of the Construction Products Regulation (CPR)

### Key Points:

- Plastics Europe supports a future-orientated Construction Products Regulation – one that recognises the value of plastics as a high-performance, durable, and sustainable construction material.
- The CPR should remain a material neutral / performance-based regulation, with an approach based upon scientific assessments and bearing in mind the specific product characteristics needs.
- A one-size-fits-all approach to circularity will not work in construction due to the diversity of materials and the longer loops in service lifetime. Many design-related actions will only provide results in the long term and material recovery of existing construction materials needs to continue to improve.
- For increased circularity and sustainability, a technology-neutral approach that recognises chemical recycling or renewable feedstocks using the mass balance accounting principle will best enable the recycled content use where possible.
- The transition of the construction ecosystem must continue to be assessed via factual and scientific based methods (Level(s), LCAs, EPD's). EPDs are the widely used approach for transparently communicating the environmental performance. Plastics Europe recommends accepting the mass balance credit method as chain-of-custody in the Environmental Product Declarations.
- Finally, the Commission proposal requires significant further elaboration and details, notably the points on delegated acts and what products are in and out of scope.

### General Comments

PlasticsEurope represents manufacturers of plastic raw materials, and fully supports the intention to reinforce the single market of construction products via a well implemented Construction Products Regulation. The current proposal covers a large range of elements that some of them should be further clarified. These include:

- The emphasis on the Delegated Act procedure allowing the Commission to introduce changes to the CPR. Plastics Europe is concerned this approach would lead to an ever changing piece of legislation. Instead, an improvement to the current system, with harmonised technical specifications developed in full collaboration with experts from the European Committee for Standardisation (CEN) will help ensure coherent, fit for purpose and workable harmonised technical specifications. This will allow a clear framework for placing items on the market, and further allow investments in innovations to address sustainability aspects to accelerate.
- Article 78 - EU construction products database or system. This proposal raises the question of who has ownership of the information, and will this cause issues with intellectual property rights? It is key that the protection of confidential business information is maintained.
- Article 13 - Declaration of conformity (DoC). In addition to the requirement to draw up a Declaration of Performance, the requirement to also produce a DoC will give rise to additional administrative and financial burden being imposed on manufacturers alongside the database above.
- Article 22 - Additional environmental obligations of manufacturers. Further clarification is needed on how this will be implemented. Some of the proposed obligations might not always be technically feasible for some product families (uncertainty around whether a product is for professional or non-professional use for example), and they should by no means be described by delegated acts but through harmonised standards.

## Assessment of the use phase of plastics in construction

Besides the environmental impact of construction materials, the corresponding performance of construction products during their use phase needs to be recognised and it should be ensured that construction products maintain their performance for as long as possible. The assessment of the 'sustainability' must be defined for the entire system and not via the assessment of individual components.

The importance of the use phase has been demonstrated by many studies<sup>12</sup>, and the durability of a product is the key factor influencing the annualised environmental impact of the production and end-of-life phases.

In this respect, plastics products bring important environmental and financial benefits through their long-life span, user-friendliness and low maintenance requirements. Plastic is the materials of choice for a sustainable built environment due to their cost effectiveness, light weighting, performance, durability, weather resistance, low maintenance and design flexibility. It is therefore of paramount importance that provisions to improve circularity go together with the overarching objective of minimising resources use and environmental impacts during the entire life of products, as correctly represented in the Level(s) methodology.

The green transition includes a variety of actions from sustainability, circularity, waste disposal and

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<sup>1</sup> <https://www.modernbuildingalliance.eu/environmental-sustainability-plastics-construction/>

<sup>2</sup> [https://plasticseurope.org/wp-content/uploads/2021/10/Final\\_BC\\_brochure\\_111212\\_web\\_version\\_UPD2018.pdf](https://plasticseurope.org/wp-content/uploads/2021/10/Final_BC_brochure_111212_web_version_UPD2018.pdf)

management along the value chain. In our sector, it is important that all provisions in relation with these actions are based on scientifically accepted assessment methodology.

Life Cycle Assessment (LCA) and Environmental Products Declaration (EPD) are reliable and trusted tools to deliver information on how green a product is. All actors in the value chain will also need to work on improving the secondary materials market to enhance circularity in construction.

### Inherent product requirements (recycled content, design criteria, substance choice)

Plastics Europe agrees with the staff working document that consideration of targets for certain construction products must consider their safety and functionality. The use of recycled content in building and construction materials should not impact the quality and performance of the final product and should be assessed on a case-by-case basis.

Recycled content originating from chemical recycling or dissolution should be considered as equivalent to recycled content originated from mechanical recycling. There should be a level playing field between materials from chemical (advanced) recycling (including mass balance attributed), from mechanical recycling, from renewable feedstocks (including mass balance attributed) or bio-based materials, as they all contribute to reducing the amount of fossil resources used for plastics production.

Regarding design criteria, a one-size-fits-all approach to circularity will not work in construction due to the diversity of materials and the length of the in-service lifetime. Many design related actions will only provide results in the long term and material recovery needs to consider the demolition waste generated from the construction materials currently being used. The same applies as regards the issues around the selection of “safe, environmentally benign substances” including how such substances are assessed, the scientific reasoning behind such distinction, and how they relate to the existing RoHS and REACH regulations. Plastics Europe expects that the already existing regulations like REACH and RoHS are maintained, but also that any further measures reflect both real-world usages, as well as performance of the final product.

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