

CEMBUREAU FEEDBACK TO THE EUROPEAN COMMISSION'S INCEPTION IMPACT ASSESSMENT ON A LEGISLATIVE PROPOSAL ON SUBSTANTIATING GREEN CLAIMS

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CEMBUREAU welcomes the opportunity to provide feedback on the Commission Inception Impact Assessment on a legislative proposal on substantiating green claims.

As expressed in the inception impact assessment, this legislative proposal on substantiating green claims is part of a larger regulatory framework where all initiatives announced in the Green Deal, such as the Sustainable Product Policy and Green Public Procurement, need to be developed with an eye for consistency and coordination of definitions and concepts. As the manufacturers of a key construction product, the EU cement industry takes very seriously the issue with green claims both its own claims as well as those claimed by its competitors. It is fundamental that these are underpinned by fair rules.

However, one of the options that will be further studied during the impact assessment (option 3) suggests establishing an EU legal framework with the PEF method as the underlying method to environmental assessments and information for all and any products on the market indistinctively, with which we do not agree. Our opinion is that construction products are specific and should, on the contrary, follow a different approach from what is proposed here.

When it comes to the construction sector, a key challenge is that a given intermediary product like cement or concrete is part of an overall structure (building, water treatment plant, windfarm, roads...) whose sustainability has to be maximised. For instance, cement and concrete offer key advantages in terms of thermal mass or durability, allowing buildings to consume less energy and last longer. Regulating only intermediate products may therefore have detrimental impacts depending on the purpose of the final structure. This justifies that intermediate products like cement require the use of specific methodologies, as mentioned below.

The European Commission has previously acknowledged that:

- Whatever it might be, the chosen methodology must serve the assessment of both construction products and construction works, i.e. the product level approach must be compatible with the building level approach.
- The EU industry has already developed over 6000 Environmental Product Declarations (EPD) based on EN 15804. EPDs are calculated through Product Category Rules (PCRs) developed by product CEN Technical Committees.
- A substantial number of national and regional administrations are involved in the development of these EPDs and there are economic operators who offer services related to the implementation of EN 15804.
- EN 15804 has recently been amended to achieve a convergence with PEF methodology, and now EN 15804 and PEF share the same set of indicators, although the "additional indicators" are not mandatory.

- Any decision taken on the method to be applied in order to obtain an EPD in the construction sector will resonate throughout the economy as construction represents a significant proportion of the consumption of cement, steel, aluminium, plastics, etc.

We notice in the present inception impact assessment a focus on the comparability at product level with PEF. As mentioned above, we echo the majority of the construction industries in that the objective of measuring environmental sustainability, in case of construction, is to assess through a set of environmental impact indicators the performance of the final products, i.e. the whole building, water treatment plant, road, etc.

We must emphasize that the approach of EN 15804 is particularly adapted to the important peculiarities of the construction sector and that the European Commission's Level(s) framework has relied on EPD information which proved essential for environmental information.

We therefore are of the opinion that either option 1 or option 2 could be pursued, i.e. update the EC recommendation 2013/179/EU to the outcome of the PEF/OEF pilot phase, or keep the Environmental Footprint methods voluntary for green claims. And for construction products, as a complement to existing methods.
