

European Aluminium comments on the “Supporting Study for the fitness check on the construction industry”

Brussels, 9 June 2016

Further to the validation workshop organized by the European Commission on 20 May 2016, European Aluminium would like to give more detailed written answers to some questions contained in the background document dealing among others with the following Internal Market and Energy Efficiency policy areas:

- The Construction Products Regulation (CPR) and previous Construction Products Directive (CPD)
- The Energy Efficiency Directive (EED)
- The Energy Performance of Buildings Directive (EPBD)
- The Ecodesign Directive (EDD)
- The Energy Labelling Directive (ELD)
- The Renewable Energy Sources Directive (RESO)

Construction Materials Legislation (2.1)

Have you also noticed an increase in administrative burdens linked to the introduction of CPR, partly compensated by the introduction of the e-DOP?

Yes.

Have you also noticed a limited utilization of derogations and simplifications targeted at SME?

This question should better be split in four parts, respectively dealing with CPR Articles 36, 5, 37 and 38.

Regarding Article 36, the answer is “No” since it is widely utilized in the fenestration market where final manufacturers of aluminium and wooden windows are mostly SME’s and micro-enterprises. Provisions described in Article 36 were already introduced in the Guidance Paper M at the time of the CPD and welcomed by manufacturers.

Regarding Article 5, we don’t have an opinion since most of aluminium products are submitted to national provisions excluding its application. As far as we know, several other sectors are in the same situation.

Regarding Article 37, customers of our members are using its first part (simplify AVCP system 3 to system 4) for some characteristics. This article may gain in clarity regarding the use of Specific Technical Documentation (second part) as demonstrating the equivalence of the different procedures used is not easy when these are not referenced in the harmonised technical specification. Whether this should be qualified as “limited utilization” or not is a question of interpretation. It should be underlined that CPR’s Article 67-§2 is asking the Commission to submit a report on the implementation of the CPR, and particularly on Article 37...

Regarding Article 38, our sector is applying it for individually manufactured or custom-made in a non-series process construction products. Whether this should be qualified as “limited utilization” or not is a question of interpretation.

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To summarize, European Aluminium is of the opinion that in general the entire chapter VI (Simplified procedures) of the CPR is important but that some articles need to be improved.

What are your views regarding the information provided through the DOP? Is it useful to customers?

European Aluminium does not consider DoP as very useful since it is for a big extent a duplication of the information contained in the CE marking. However, we could live with the combination of a simplified CE-mark reduced to the “CE” logo accompanied by a reference, web link or Quick-Response code linking it to the DoP.

Market Opportunities Linked to Energy Efficiency in Buildings (2.4)

Do you agree that – with few exceptions – construction firms were able to increase selling prices to compensate for the increased construction costs due to more stringent energy efficiency requirements?

European Aluminium agrees. As reported in the document it really depends on the region of the EU that you look at. In Member States under crisis, increasing selling prices for new buildings is more difficult.

Do you agree on the assessment of the relative influence of EU legislation vis-à-vis national policy?

European Aluminium agrees with the general trend that EU legislation has been more influential for new buildings than for building renovations. A key reason for this is the too low ambition level of the EED regarding renovation rates, which exclusively deals with central governments owned and occupied buildings...

Namely, do you concur with the view that the market for energy efficiency-motivated renovations was largely driven by national government incentives?

Yes, but it could have been the other way around if the EED would have been more ambitious. See answer to previous question.

Energy Performance Certificates (2.5)

Do you agree or disagree with the findings presented above, and in particular:

The role of EU legislation in promoting the adoption of certification of energy performance for buildings has been crucial, as most MS would not have introduced this requirement otherwise.

Yes.

Most of construction companies in Europe do not operate as developers and/or sellers, hence do not bear the costs of EPC for new buildings;

Yes.

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furthermore, even for construction companies that operate as developers and/or sellers, the EPC did not generate significant costs.

No opinion.

Coherence of Instruments Establishing Product or Labelling Requirements (3.1)

Do you agree on the above assessment of the current limited overlap between CPR and EDD?

“Yes” and “No”.

Little “Yes” regarding the implementing acts under the EDD so far, for which the overlap with the CPR is indeed limited, but a big “No” for the rest as there are numerous overlaps between the CPR and the EDD and as several sectors of the construction products industry had to invest a lot of energy into Ecodesign Preparatory Studies (i.e. Insulation Products and Window Products) to avoid overlaps to happen.

First of all, it should be reminded that a holistic optimization of complete buildings is more beneficial in terms of energy and environmental savings than a component-by-component approach that presents the risk of sub-optimisation. Construction products are intermediate products for which the usefulness of implementing acts under the EDD are highly questionable.

Secondly, should ecodesign requirements in the form of minimum performance levels or generic information requirements make sense for some construction products, these could be put in place by implementing existing provisions of the CPR and in particular its Article 3 – point 3 and its Annex I containing Basic Requirement for Construction Works nr 3 ‘Hygiene, health and the environment’ as well as nr 7 ‘Sustainable use of natural resources’.

On top of this, several construction products are already submitted to minimum energy performance requirements under the EPBD. The ones falling under the definition of “building elements” and being part of building envelopes for which EPBD’s Article 1 - point 2 - point c – point ii, and Article 4 – point 1 – 2nd paragraph, asks Members States to set minimum energy performance requirements when replaced or retrofitted.

For these reasons, European Aluminium advocates to exclude construction products from the scope of the EDD.

Last but not least, European Aluminium would like to remind a key conclusion from the Eco-Design Directive Evaluation Study (http://cses.co.uk/ecodesign_evaluation) completed in 2012: “Improved transparency and coherence should be promoted in the interface between the Ecodesign Directive and other policy tools including WEEE, RoHS and the Construction Products Regulation. A practical guidance document should be developed that will clarify the respective areas of application of the different instruments and the possible synergies and overlaps and state in clear terms which policy tool should be given priority for addressing which areas.”

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What are your views regarding the effectiveness of approach envisaged by the Commission to avoid overlaps to emerge in the future?

The simplest way to avoid overlaps between the CPR and the EDD would be to exclude construction products from the scope of the EDD. See answer to the previous question.

Do you concur with the above assessment regarding the complementarity between the declaration of conformity under the EDD and the technical documentation under the ELD?

No opinion.

Coherence of Energy-efficiency Instruments (3.2)

Do you concur with the view that the EED, EPBD and RESD cumulatively provide a coherent reference framework for construction sector activities?

European Aluminium sees the EED, EPBD and RESD, as a broadly coherent reference framework. However, European Aluminium regrets the low ambition level of the EED when it comes to renovation rates. As far as the EPBD is concerned, European Aluminium made several recommendations to improve its implementation. These can be found [here](#). In particular, European Aluminium insists on the need to reinforce the NZEB¹ definition to underline that two distinct criteria must be satisfied: first, minimizing energy needs and, second, energy to be produced from renewable sources. Using renewables should not be used as an excuse for not minimizing building’s energy needs!

Another question that needs to be addressed is the **coherence between the ELD and the EPBD** on which European Aluminium has several concerns.

First of all, it should be reminded that a holistic optimization of complete buildings is more beneficial in terms of energy savings than a component-by-component approach that present the risk of sub-optimisation. Construction products are intermediate products for which the usefulness of delegated acts under the ELD are highly questionable.

As the Energy Performance of Buildings Directive (2010/31/EU) leads to a holistic optimization of complete buildings in the case of new constructions and major renovations, the added value of energy labelling measures would be limited to small scale residential renovations, where the customer is not supported by a qualified EPB adviser who could assist him/her to assess the most ‘valuable for money’ technical solution, but this situation is the least encountered one across Europe (e.g. for windows sales, below 10%).

The recent Ecodesign preparatory study on window products, i.e. the first study dealing with an energy-related construction product through all tasks foreseen in MEER², showed the high dependency of windows’ energy performance on site-specific parameters: building type, climatic conditions, orientations and many others.

European Aluminium is therefore against generic EU-wide energy labels for construction products as it would lead to uniform products across the EU, that would not correspond to local needs, that would not be the most cost efficient

¹ Nearly Zero Energy Building

² Methodology for the Ecodesign of Energy-related Products

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for consumers and that would not be optimal to reach the EU climate and energy targets. Instead European Aluminium proposed using optimisation software tools generating personalised results.

Further information related to this question:

[European Aluminium input to the 30 Sept 2015 Ecodesign Consultation Forum on Window Products](#)

[Animation explaining why choosing windows requires personalised advice](#)



[European Aluminium position on the proposed new Energy Labelling Framework](#)

What are your views regarding the lack of an EU-wide definition of staged/deep renovation? Do you agree that it did not have a significant impact the construction sector?

No opinion.

Do you agree that the existence of different instruments regulated by different ministries at national level creates an obstacle to their enhanced integration and entry costs for professionals?

We cannot answer this question directly but we face similar difficulty at the level of European consultations bodies in the sense that national experts were seldom the same persons in the Ecodesign Consultation Forum and in the Standing Committee for Construction that are respectively dealing with the EDD and the CPR implementations.

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