

To whom it might concern

Subject Position paper in the context of CPR Acquis Environmental Sustainability WG – Milestone D Datasets and Data Quality

— In the context of the on-going work on the CPR Acquis Environmental Sustainability expert group, Milestone D Tasks 1-3 Datasets and Data Quality have been discussed. ECO Platform participates in the expert group and would like to share some points of consideration to ensure that the system will serve for the better functioning of the single market for Construction Products once Environmental Sustainability is part of the essential characteristics in the new Construction Product Regulation (CPR). These considerations have been discussed within ECO Platform, particularly several topics of potential issues with background datasets, an endorsement of background datasets and data quality requirements.

— To begin with, the focus of our feedback is the utilisation of background data from the perspective of the end-user, particularly concerning its technical usability, economic and procedural viability for Small and Medium-Sized Enterprises (SMEs), alongside security around liability aspects that sit outside the direct responsibility of background data users.

In order to address these concerns, we firmly believe in the set-up of an EU centralized system where the responsibility for the stewardship and validation of available background data lies with the European Commission. In our proposal below we share some suggestions how the current system could be organized as a transitional step towards a system entirely overseen by the European Commission. However, we recognize that some of the aspects require additional technical detailing, and we urge the Commission to accept this as an important task to initiate.

In addition to the endorsement of databases providing generic background data, we also strongly recommend establishing a scheme requiring minimum quality requirements for supplier-specific background data for supplied materials. Such data should be considered as a feasible and very relevant data source in the development of product specific data in the CPR framework.

As ECO Platform, we believe the topic of a feasible background data system is critical to the success of the implementation of environmental sustainability in the CPR. Failure of a solid system imposes material risks for legal uncertainty for all stakeholders involved and will jeopardize the credibility and usability of essential characteristics on environmental sustainability. As such, we urge the commission to support the topic with sufficient resources, capacity and at an appropriate priority.

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1. Technical validation and endorsement of background databases

We propose that the European Commission should take full ownership of a technical validation system which serves to endorse specifically accessible background databases. These databases would be the foundation for all calculations regarding environmental performance of construction products and the computation of the environmental essential characteristics. Establishing such a system entails to initiate a process with existing database providers, while remaining open for additional providers of data to enter the system.

The technical validation should cover the following:

1.1. Common Assumptions and Rules for Background Data Development

To ensure consistency, we believe that there should be a common definition of assumptions used during the development of generic background data. Moreover, we propose the establishment of universal minimum set of rules for the development of background data. This includes the implementation of mandatory features, such as, or similar to, defining the ILCD elementary flow list and consistent impact characterisation methods, enabling consistency in assessment, irrespective of the use of data from different databases. Associated with this, possible available mechanisms as defined in the PEF scheme might be useful to adopt. The required technical detailing should build on experiences obtained in the PEF mechanism development and focus on securing consistency in requirements towards background data from different frameworks (such as CPR and PEF).

1.2. Data Quality Assessment and Documentation

The rules on data quality assessment should be heavily grounded in the context of FprEN 15941, establishing minimum levels for the Data Quality Rating (DQR) of accepted background data. Furthermore, a common documentation format should be implemented following a review of the International Life Cycle Database (ILCD) documentation format and its need for possible updates. However, we emphasize that the differences in the nature of manufacturer-specific data assessment and the assessment of background data needs to be accounted for, and we refer to experiences gained in the PEF framework development.

2. Frequency of updates and technical reviews

The technical review process should be designed, owned (and paid) by the EU Commission, ensuring transparency and consistency. This would require:

2.1. Regular Database Updates

There should be minimum requirements set for the frequency and scope of the updates, to ensure that the databases remain current and accurate.

2.2. Review Process for Technical Models

Own any review process that covers technical assumptions and universal aspects of datasets found in the system. The review should be transparent, especially regarding the findings and outcomes, not necessarily requiring full transparency of the database assumptions or underlying data, as long as the review process is documented in a transparent and accessible manner, thus providing the required confidence in the data.

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3. Licensing terms and SMEs accessibility

It is essential that accessible data should not just be technically adequate but also economically approachable for all end-users, including small and medium-sized enterprises. As such we want to direct the attention to the economic framework required for end-users to obtain access to the required background data, emphasizing the following items:

3.1. Fair and Flexible Licensing

The licensing terms and conditions set forth by endorsed database providers should be both feasible and flexible in terms of duration, cost-efficiency, and ease of access.

3.2. Securing Stability in Terms of Use

The Commission should provide security to users by ensuring assurance and stability in the terms of use and ensuring that database providers are not able to make inappropriate alterations. We recognize that data used for LCA is a free market and needs to be protected as such, however we need to draw the attention of potential risks for end-users, if such a market is dominated by a too small number of market participants.

4. Liability and exemptions

Based on the most recent conclusions of the Commission on background data and from concerns regarding possible liability situations, we see risks associated with the use of background data, if not prepared for a practical applicability of background data. We suggest that certain exemptions should be implemented, setting clear links between the scope of responsibility and liability with the different stakeholders in the data development. This should be made explicit to provide the necessary level of confidence in the overall mechanism:

4.1. Exemption for Notified Bodies

Notified bodies should be exempted from verifying the content and applicability of background databases with each verification procedure, provided background data is used within the endorsement framework. This is intended to mitigate repeating tasks, reducing the cost and optimizing the time taken.

4.2. Exemption for Manufacturers

Manufacturers should be exempted from any liability related to the development of the background datasets, thereby encouraging users to lean on databases that are endorsed by the European Commission.

4.3. Exemption for Background Database Providers

Providers of background databases should be exempted from liability for the actual use of the background data in a specific calculation, as the responsibility for the appropriate use of background data in that specific calculation lies with the manufacturer in charge of conducting the calculation.

5. Monopoly and worst-case scenario principles

Based on the understanding that manufacturers are liable for the declared essential characteristics and the associated need to declare worst case estimations, we see significant risks from manufacturers consequently selecting worst case background data.

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Such a situation might lead to inappropriate combination of data from various sources, and to the inadequate selection of data based on worst-case considerations, only. We emphasize that these considerations should be reflected upon:

5.1. Prevent Monopolistic Conditions

A situation where a manufacturer might be required to select data from various databases just to adhere to a worst-case representation scenario should be avoided. Otherwise, this might lead to a situation where single providers of background data assume a factual monopoly situation simply because their data represents the worst-case estimation of a material or process, by declaring the highest environmental impacts. This is a risk for the system as such.

5.2. Implement Additional Considerations in Decision-Making Process

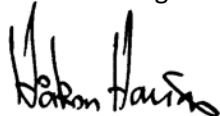
In the selection process of a dataset, the system needs to acknowledge and align with a variety of factors such as the consistency of data, and appropriateness of specific datasets, thus preventing the above detailed scenario.

Conclusions

We propose the introduction of a consistent system that enables end-users to identify the most applicable background data and be able to confidently use such data for their purpose. We believe that significant experience can be drawn from the development process of the Product Environmental Footprint (PEF) framework. We also urge that focus lies on providing consistency in the use and requirements on background data across different industrial sectors and across different present and upcoming regulatory frameworks requiring similar assessments.

We look forward to further engagement on these proposals to ensure we meet our shared goals of improved environmental sustainability, respecting the practical needs of all end-users.

With kind regards,

A handwritten signature in black ink, appearing to read "Hakon Hauan".

Hakon Hauan
President ECO Platform

A handwritten signature in black ink, appearing to read "Christian Donath".

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