

CEMBUREAU comments on the Draft French legislation introducing a simplified dynamic LCA approach – TRIS notification procedure

Brussels, 22nd February 2021

The European Cement Association, CEMBUREAU, wishes to submit comments on the following three notifications filed by the French Government in the framework of the TRIS procedure under Directive 2015/1535:

- ✓ Draft Decree on the energy and environmental performance requirements for residential, office or primary or secondary education buildings in metropolitan France, notified on 14th December 2020 under number 2020/790/F;
- ✓ Draft Order approving the calculation method provided for in Article R-111-20-5 of the Construction and Housing Code, notified on 14th December 2020 under number 2020/791/F;
- ✓ Draft Order on the energy and environmental performance requirements for residential, office or primary or secondary education buildings in metropolitan France, notified on 14th December 2020 under number 2020/792/F.

The French Draft rules set out above aim to provide guidance to the construction value chain with a view to developing sustainable building solutions. Under the notion of a “*simplified dynamic life cycle analysis*”, the Draft rules introduce the concept of temporary carbon storage.

Under European law, it is essential that the approach adopted is based on recognized international scientific knowledge and on verifiable facts. CEMBUREAU contends that the introduction of a temporary carbon storage criterion does not meet this high standard:

- ✓ Temporary carbon storage is not recognized in any international or European standard or regulation; ISO 14067:2018 explicitly states that temporary carbon storage should not be taken into account in the carbon footprint of buildings; the concept also does not appear in European standards EN 15804 or EN 15978;
- ✓ In addition, the duration of temporary storage in the French draft rules has been set in an arbitrary manner again without any reference to scientific evidence or underpinning;
- ✓ What is more worrying is that the time period set seems to offer significant advantages for specific building materials, i.e. those with significant emissions at the end of their life-cycle such as the bio-sourced materials;
- ✓ In fact, the “simplification” of the dynamic LCA, as set out in the draft French rules, not only comes down to ignoring or minimizing the end-of-life-cycle emissions, it also discourages the recycling or reuse of construction products at the end of their life and therewith frustrates the objectives of a circular economy;
- ✓ In conclusion, the simplified dynamic LCA fails to apply a full life cycle approach and therewith shifts the burden to future generations as it does not solve the problem of the ultimate release of temporarily stored carbon.

CEMBUREAU argues that an introduction of a simplified dynamic LCA by France would result in a national sustainability criteria being adopted for buildings which would run counter to efforts at European level, more notably in CEN TC 350 and in the Commission's "Building Levels" initiative, to reach a harmonized LCA approach where temporary carbon storage has not been included. Such unilateral action by a Member State makes it difficult for operators in the construction sector to assess and compare the sustainability of building projects and runs against the concept of an integrated internal market.
