

Position on the Dynamic LCA approach notified by France to the European Commission

TRIS Notifications 790/2020, 791/2020 and 792/2020

Potential distortion of the internal market for construction materials

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The building sector is the EU's largest single energy consumer in Europe responsible for 40% of energy consumption and 36% of EU's CO₂ emissions. This is why the industry committed since the first moment to contribute to the efforts of the European Commission for a climate neutral continent by 205.

The Spanish ceramic bricks and roofing tiles industry supports ambitious strategies around sustainable built environment and reduction of emission targets associated to buildings. Building ceramic materials contribute positively to such strategies through their long life and durability, absence of volatile organic compounds' (VOCs) emissions, high recyclability, low environmental impacts thanks to inert characteristic of clay, etc. Unfortunately, we see that some Member States question the importance of achieving these goals by introducing disputed scientific methodologies to evaluate the environmental performance of a building. The 2020 ER methodology recently disseminated and reflected in the Draft Order notified to the European Commission on 14 December 2020¹ by the French government (Direction de l'Habitat, de l'Urbanisme et des Paysages - DHUP) proposes the introduction of an innovative indicator: "impact on climate change 100 years after its construction" – the Dynamic LCA approach. In a nutshell, this indicator considers the future emissions and absorptions of greenhouse gases as having a lower impact compared to what is emitted or absorbed today.

The methodology presents significant risks which should be avoided.

Acts as a barrier to free movement of goods. Having a widely rejected method adopted in national regulation distorts the Single Market and creates barriers to trade for products with low end-of-life emissions within EU. Common European methodologies such as EN15804 or Product Environmental Footprint (PEF) do not recognize the dynamic LCA approach resulting in temporary carbon storage, which means that different assessment methods will have to be used for the same parameter.

Indeed, Regulation (EU) 305/2011 (CPR) is the legislative framework for the marketing of construction products in Europe and guarantees the free movement of goods by setting a harmonized approach for the declaration of performance of construction products in parallel to the restriction to Member States to regulate the need for product information out of the European regime. TRIS Notifications 790/2020, 791/2020 and 792/2020 disrupt this principle by requiring assessments and declarations not aligned to the European methodology and therefore, creating a potential barrier to trade.

¹ Order of [date] on the energy and environmental performance requirements for residential, office or primary or secondary education buildings in metropolitan France, notified to the Commission on 14/12/2020 in accordance with Directive 2015/1535 on technical regulations (See: <https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2020&num=792>)

Creates market distortion. The method grants a discount on future impacts and benefits products with end-of-life emissions, i.e. all products emitting carbon or other greenhouse gases such as methane, assuming the impact of greenhouse gases on climate will be less in future.

Putting the burden of climate change to future generations. For products that contain carbon and have high End-of-Life environmental impacts, this simplified approach creates an impression that a large part of carbon is “saved” or “stored”, while in fact it is just shifted to the future generations. By artificially reducing the impact of future emissions, such type of method is more about “discounting calculation” of impacts rather than “dynamic calculation”. This method would discourage a responsible behavior of industrial actors and would drive innovation, action and reflections in the wrong direction.

Disincentive for circularity. Applying this method would reduce the benefit of recycling and reuse of construction products, driving towards solutions that have high impacts at their end-of-life, cannot be recycled or reused. This is completely against the European Commission’s principles in the context of the Circular Economy Action Plan that was presented by Executive Vice-President Timmermans in March 2020. These developments go against years of efforts by the industry to better understand, reflect and take action to improve the buildings’ environmental impact in Europe through the whole life cycle approach. In addition, the approach is not in line with the European Commission’s work on LEVELs, a framework with harmonized methods to assess the sustainability of buildings across the EU. This approach will open the door to each Member State to develop its own methodology destroying all the efforts of the sector to harmonize actions towards climate neutrality.

Against a performance-based approach and EU market fair competition. In this context, public administrations should not impose any methodology promoting specific technological solution on citizens, businesses and other administrations, unless supported by international scientific recognition. Establishing such method in one MS, unsupported by scientific community and other MS, is violating this principle.

HISPALYT is the Spanish Ceramic Bricks and Roofing Tiles Industry Association. Based in Madrid since 1968 The main Hispalyt objectives are to defend the common interests of the companies of the sector, promote the recognition of ceramic materials, and research in the development of new products and building systems.