

Construction Products Sweden's response to Appendix C "Generic criteria for DNSH to pollution prevention and control regarding use and presence"

Construction Products Sweden is a business organization for companies and organizations within the construction material industry. Together we organize 1000 companies. The construction material industry in Sweden employs about 60,000 people and has a turnover of around 190 billion SEK.

If a policy instrument shall have the desired effect, it is important that it is possible to i) meet the requirements and ii) follow up the requirement. The criteria in Appendix C needs to be defined and clarified if they shall fulfil these "criteria" and serve their purpose.

In (g) of Appendix C: "Generic criteria for DNSH to pollution prevention and control regarding use and presence", it is stated that "other substances, whether on their own, in mixtures, or in articles, that meet the criteria laid down in Article 57 of EC 1907/2006, except where their use has been proven to be essential for the society".

It is not clear whether the criteria means that SVHC's are strictly prohibited, or if concentration limits, e.g., according to CLP in the case of mixtures, shall apply. For articles, the only information requirement today is the one for substances included in the Candidate List and applies when these substances are included in concentrations of 0,1 % or more.

A strict "zero tolerance" regarding SVHC's is more or less impossible to follow up, since the information about chemical content that is forwarded in the supply chain is based on the chemical regulation.

In Sweden, we have long experience from using systems with the purpose of phasing out SVHC's from construction products. In these systems, the concentration limits according to the CLP are used not only as information limits (as in the chemical regulation, where these limits are the basis for the classification) but as limit of how much of a substance that is allowed in the product. The same concentration limits that apply for mixtures are used also for articles. However, it is far from all construction products that meet these criteria. Another aspect with regards to the scope is the time and effort that will be spent throughout the supply chain in order to demonstrate compliance and to follow up the requirements. Based on our experience using these systems, we strongly recommend that the criteria initially are limited to certain construction products, where the requirements are assessed to have the largest effect - and that they are sharpened gradually.

Our suggestion is to align the criteria in the Taxonomy regulation with the chemical regulation regarding what information on chemical content is forwarded in the supply chain, for mixtures as well as for articles. This information is possible to achieve, which will ensure an equal treatment between suppliers. Otherwise, there is a great risk that suppliers with less knowledge about the content in their products will have an advantage over suppliers with more knowledge.

Also, the meaning of the phrase “Unless essential for society” needs to be clarified. It is neither specified **how** the assessment of essentiality is to be carried out, nor **who** should perform these assessments. Without a clear framework, there is a great risk of arbitrary assessments of what is considered “essential for society”.

Sincerely,

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