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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 17 July 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: C(2014) 4580 final

Subject: Commission Delegated Regulation (EU) No .../.. of 17.7.2014 on the
conditions for classification, without testing, of certain uncoated wood
floorings under EN14342 with regard to their reaction to fire

Delegations will find attached document C(2014) 4580 final.

Encl.: C(2014) 4580 final



Brussels, 17.7.2014
C(2014) 4580 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.7.2014

**on the conditions for classification, without testing, of certain uncoated wood floorings
under EN14342 with regard to their reaction to fire**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC¹, envisages that the manufacturers of construction products should not be subjected to unnecessary administrative burdens or costs. Notably, as foreseen in Article 28 of Regulation (EU) No 305/2011, the Commission should choose the least onerous system for assessment and verification of constancy of performance, which still could serve appropriately the needs of health, safety and environment.

Additionally, Regulation (EU) No 305/2011 acknowledges two main alternatives to establish classes of performance in relation to the essential characteristics of construction products. According to Article 27(1), this can be done by delegated acts of the Commission, whereas Article 27(2) allows for the use of harmonised standards for this purpose.

When the performance of certain construction products has already been sufficiently demonstrated by stable test results or other existing data, their manufacturers should be permitted, under conditions to be specified, to declare a certain class of performance without testing or further testing these products. Such a simplified procedure would serve the same objective of avoiding unnecessary administrative burdens and costs. This has been foreseen in Article 27(5) and Article 36(1)(a) of Regulation (EU) No 305/2011.

Commission Decision 2000/147/EC² established a European classification system regarding the reaction to fire of construction products, based upon European test methods and explicit levels of performance.

Wood flooring products covered by the harmonised standard EN14342 have proven to have a stable and predictable performance concerning reaction to fire, when they meet certain conditions. This conclusion has been based on numerous test and classification reports gathered and compiled by the industry and the experts consulted. For this reason, the reaction to fire performance of these products can be deemed, without the need for any further testing, to achieve certain classes of performance, as defined in the European classification system mentioned above.

Therefore, the draft Regulation, proposed by the construction industry, sets out the conditions for using these simplified procedures for determining the performance in relation to reaction to fire of certain uncoated wood flooring products falling within the scope of EN14342.

The draft Regulation will thus reduce the burdens and the costs incurred by the manufacturers of wood floorings because they will not anymore need to test the products covered by the draft Regulation for their reaction to fire. The consequence will be the general increase in efficiency and competitiveness of the construction industry as a whole.

¹ OJ L 88, 4.4.2011, p. 5.

² OJ L 50, 23.2.2000, p. 14.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft act was initially prepared as a Commission Implementing Decision, based on Council Directive 89/106/EEC (Construction Products Directive). It was submitted for the opinion of the Standing Committee of Construction, in accordance with the procedures foreseen in Article 20 of Directive 89/106/EEC, and was supported by the unanimity of Member States present (304 votes). EFTA and the construction products industry also supported the draft Decision. In this context, the European Parliament, to which the draft was duly transmitted, did not formulate any comments on the draft Decision.

Before the draft Decision was adopted, Regulation (EU) No 305/2011 entered into full application and repealed Directive 89/106/EEC. Therefore, a revised version of the draft legal act was produced to correspond to the procedural demands of Regulation (EU) No 305/2011 and subjected to consultation under its provisions, as a delegated act. However, all its technical aspects contained in the Annex remain untouched.

In particular, the draft Regulation was submitted for a written consultation of experts. Before this consultation, all Member States had been presented an opportunity to nominate experts to participate in it. In addition to these experts, also other external stakeholders were included as consulted. The documents relevant to the written consultation were transmitted simultaneously to the European Parliament and to the Council, as foreseen in the Common Understanding on delegated acts.

The observations presented during all these preceding consultations were taken into account when preparing the final draft version of this act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Pursuant to Article 27 of Regulation (EU) No 305/2011, classes of performance may be established in relation to the essential characteristics of construction products.

Moreover, in accordance with Article 27(5), the Commission may establish conditions under which a construction product shall be deemed to achieve a certain class of performance without testing or without further testing, in order to avoid the unnecessary testing of construction products for which performance has already been sufficiently demonstrated by stable test results or other existing data.

These conditions are then to be fulfilled when a manufacturer wishes to replace type-testing of his product by these levels or classes of performance, as set out in Article 36(1)(a) of Regulation (EU) No 305/2011.

The European classification system established by Commission Decision 2000/147/EC, regarding the reaction to fire of construction products, in particular its Table 2 of the Annex, is applicable to wood floorings covered by the harmonised standard EN 14342.

According to the consultations carried out, the reaction to fire performance of certain uncoated wood floorings, within the classification provided for in Decision 2000/147/EC, is well established. For this reason, the reaction to fire performance of these products can be deemed, without the need for any further testing, to achieve certain classes of performance, as defined in the European classification system mentioned above.

The draft Regulation conforms to the principle of proportionality. It results in alleviating certain obligations foreseen by Regulation (EU) 305/2011, concerning the testing of products under its scope.

COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.7.2014

on the conditions for classification, without testing, of certain uncoated wood floorings under EN14342 with regard to their reaction to fire

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC³, and in particular Article 27(5) thereof,

Whereas:

- (1) A system for classifying the performance of construction products, with regard to their reaction to fire was adopted in Commission Decision 2000/147/EC⁴. Wood floorings are among the construction products to which that Decision applies.
- (2) Tests have shown wood floorings covered by the harmonised standard EN 14342 to have a stable and predictable performance concerning reaction to fire provided that they meet certain conditions regarding the density of the wood, the thickness of the flooring and the end use of the product.
- (3) Wood floorings covered by the harmonised standard EN 14342 should therefore be deemed to satisfy the classes of performance for reaction to fire established in Decision 2000/147/EC on those conditions without further testing being required,

HAS ADOPTED THIS REGULATION:

Article 1

Wood floorings covered by the harmonised standard EN 14342 which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing.

³ OJ L 88, 4.4.2011, p. 5.

⁴ Commission Decision 2000/147/EC of 8 February 2000 implementing Council Directive 89/106/EEC as regards the classification of the reaction to fire performance of construction products (OJ L 50 23.2.2000, p. 14).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17.7.2014

For the Commission
The President
José Manuel BARROSO