

New Construction Products Regulation – Understanding of Specific Technical Documentation (STD)

1) Executive summary:

The current draft of the future Construction Products Regulation contains simplifications for performance records of micro-enterprises. This paper is the clarification of questions of interpretation, especially the "specific technical documentation" (STD), which is required for this.

Definition of micro-enterprises: < 10 people employed and annual turnover resp. annual balance sheet < 2 Mio. EUR according official journal of the European Union L 124/36 of 20.5.2003)

2) Key excerpts from the Construction Products Regulation

The draft (10753/3/10 REV 3) of the Construction Products Regulation, approved by the Council on 13 September 2010, states in the recitals

(25) It is necessary to provide for simplified procedures for the drawing up of declarations of performance in order to alleviate the financial burden of enterprises, in particular small and medium-sized enterprises (SMEs).

In sections 32 to 36 this is further explained. It is concretized in

(35) To further decrease the cost to micro-enterprises of placing construction products, which they have manufactured, on the market, it is necessary to provide for simplified procedures for the assessment of performance when the products in question do not imply significant safety concerns while complying with the applicable requirements, whatever the origin of those requirements. Enterprises applying those simplified procedures should, in addition, demonstrate that they qualify as micro-enterprises. Moreover, they should follow the applicable procedures for verification of constancy of performance provided for in the harmonised technical specifications for their products.

Article 2 (15) names as a definition:

"Specific Technical Documentation" means documentation demonstrating that methods within the applicable system for assessment and verification of constancy of performance have been replaced by other methods, provided that the results obtained by those other methods are equivalent to the results obtained by the test methods of the corresponding harmonised standard;

This is implemented in chapter VI, Simplified Procedures, under

Article 36 Use of Specific Technical Documentation

- (1) In determining the product-type, a manufacturer may replace type-testing or type calculation by a Specific Technical Documentation demonstrating that:
- a) for one or several essential characteristics of the construction product, which the manufacturer places on the market, that product is deemed to achieve a certain level or class of performance without testing or calculation, or without further testing or calculation, in accordance with the conditions set out in the relevant harmonised technical specification or a Commission decision;
 - b) the construction product, covered by a harmonised standard, which the manufacturer places on the market corresponds to the product-type of another construction product, manufactured by another manufacturer and already tested in accordance with the relevant harmonised standard. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results of this other product. The manufacturer may use the test results obtained by another manufacturer only after having obtained an authorisation of that manufacturer, who remains responsible for the accuracy, reliability and stability of those test results; or
 - c) the construction product, covered by a harmonised technical specification, which the manufacturer places on the market is a system made of components, which the manufacturer assembles duly following precise instructions given by the provider of such a system or of a component thereof, who has already tested that system or that component for one or several of its essential characteristics in accordance with the relevant

harmonised technical specification. When these conditions are fulfilled, the manufacturer is entitled to declare performance corresponding to all or part of the test results for the system or the component provided to him. The manufacturer may use the test results obtained by another manufacturer or system provider only after having obtained an authorisation of that manufacturer or system provider, who remains responsible for the accuracy, reliability and stability of those test results.

- (2) If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1+ or 1, as set out in Annex V, the Specific Technical Documentation shall be verified by a notified product certification body as referred to in Annex V.

Article 37

Use of simplified procedures by micro-enterprises

Micro-enterprises manufacturing construction products covered by a harmonised standard may replace the determination of the product-type on the basis of type-testing for the applicable systems 3 and 4 as set out in Annex V by using methods differing from those contained in the applicable harmonised standard. Those manufacturers may also treat construction products to which system 3 applies in accordance with provisions for system 4. When a manufacturer uses these simplified procedures, he shall demonstrate compliance of the construction product with the applicable requirements by means of a Specific Technical Documentation.

Article 38

Other simplified procedures

- (1) In relation to construction products covered by a harmonised standard and which are individually manufactured or custom-made in a non-series process in response to a specific order, and which are installed in a single identified construction work, the performance assessment part of the applicable system, as set out in Annex V, may be replaced by the manufacturer by Specific Technical Documentation demonstrating compliance of that product with the applicable requirements.
- (2) If the construction product referred to in paragraph 1 belongs to a family of construction products for which the applicable system for assessment and verification of constancy of performance is system 1+ or 1, as set out in Annex V, the Specific Technical Documentation shall be verified by a notified product certification body as referred to in Annex V.

3) First analysis of the rules to existing procedures

3.1) Article 36 in the Construction Products Regulation now describes the three procedures that have already been valid until now:

In paragraph a) „CWFT“ resp. „Commission decision“

In paragraph b) „shared“

In paragraph c) „cascaded“

The main difference is that until now in the process "shared" in the Guidance Paper M in Section 4.13.1, the involvement of a notified body was anchored ("*... that the notified certification body or notified test laboratory asked to undertake ITT under AoC system 1, 1+ or 3 has verified, by appropriate means, that the conditions to do so are fulfilled (see above)...*").

From the point of view of the fenestration industry the concretisations laid out in the Guidance Papers cannot be waived, they must continue to be valid.

3.2 Article 38 also allows manufacturers not covered under the micro-enterprise regulation the use of STDs for custom-made resp. non-series products, which are regulated by a harmonised standard and specified that for security-related products (conformity system 1 and 1+) the STD is to be verified by a notified product certification body.

4) On the question of possible interpretations of article 37

Article 37 permits micro-enterprises¹⁾ not only the change of the AoC system from system 3 to system 4, but also that the type testing for the determination of the product-type may differ from the procedures provided in the applicable harmonized standard. In each case a factory production control is required. Requirements of the then applicable „specific technical documentation“ are not sufficiently clear and leave significant scope for interpretation. **From the perspective of the fenestration industry STDs must only build on generally accepted documents, accompanied by comprehensible test reports.**

4.1) Scenarios for valid STDs

Scenario:	1 „Cascading“ with differences	2 „Cascading“ with differences and own testing	3 verifiable sources	4 non-verifiable sources	
Description:	Manufacturer (ME) uses the system and test report of a system provider with his approval, but also uses components not covered by the system provider with his approval but without having the test report therefor	Manufacturer (ME) uses the system and test report of a system provider with his approval, but also uses components not covered by the system provider with his approval and test report therefor	Manufacturer (ME) produces according to own documents on the basis of national standards or generally accepted guidelines	a) without test report Manufacturer (ME) produces according to documents (e.g. press information without underlying test reports) and declares without test reports	b) with test report Manufacturer (ME) produces according to documents (e.g. press information without underlying test reports) and declares according to test reports
Contents in STD	Test report with contract and description of the differences with assessment by the manufacturer	Test report with contract and description of the differences with test certificates	Indication of the sources, evidence that these were generated by tests complying with the standards	Sources, own system description, own assessments	Sources, own system description, test reports
Evaluation: STD provides equivalent result (Art. 2 (15))	No	Yes	Yes	No	Yes
Proves the STD an equivalence of the results?	No ²⁾ as assessments of the differences from the manufacturer itself cannot be evaluated	Yes Differences are being evaluated by test reports	Yes as long as sources are available and verified and used material identical with the test specimen	No own assessments cannot be evaluated without test reports	Yes differences can be evaluated by test reports
Possible review of the characteristics	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard	Sampling and procedures according to the product standard

¹⁾ **ME:** Micro-enterprises; definition: < 10 people employed and annual turnover resp. annual balance sheet < 2 Mio. EUR according official journal of the European Union L 124/36 of 20.5.2003

²⁾ Unless the differences do not require testing again according to table A of EN 14351-1

EPW: European Plastic Window Association
FAECF: Federation of European Window and Curtain Wall
Manufacturers' Association
FEMIB: Federation of the European Building Joinery Associations
UEMV: European Glaziers Association

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This position was prepared and introduced by FEMIB