ORGALIME

Information note

Brussels, 12 July 2018

Report of

Joint Initiative on Standardization – Action 5 - CPR

Date: *11 July 2018 - Brussels - Starting at 10:00*

Venue: *CEN - CENELEC Meeting Centre (Rue de la Science, 23 – 1040 Brussels)*

by Helena Le Goff 16/07/2018

Active participants:

Name	Organisation
1. ASCENSÃO Gonçalo	CEN-CENELEC - **Convener**
2. BARTLING Johanna	DIBt - German construction sectors
3. FANUEL Carlo	NBN – Belgian standards Organisation
4. GRONES Roman	EC, DG GROW – Standardisation Policy Officer
5. GRIMONPONT Catherine	Belgian MSA – SPF Economie
6. JACQUEMONT Brigitte	French Ministry of Sustainable Construction
7. KÖPPEN Lutz	EC DG GROW C1 – Clean Technology and Products, Policy officer
8. MIKKELI Tapani	EC DG GROW – Sustainable Construction, Head of Sector
9. NIETO SANZ Oscar	CPE Construction Products Europe
10. PARGANA Nuno	CEN-CENELEC, Project Manager
11. PEETZ-SCHOU Mette	DI/ Orgalime
12. PINNEY Adam	EBC - European Builders Confederation
13. POUPET Pascal	AFNOR – French Standardisation body
14. VENEMANS Annemieke	NEN – Dutch Standardisation Body
15. WINNEPENNINCKX Eric	BBRI Belgian Building Research Institute

State-of-play

A simplified overview project overview of deliveries from JIS 5 is to be developed. Not done yet.

Process related to the approval of standardisation request in a flow chart

Developed by CPE. JIS 5 has made a flowchart illustrating the process a standardization request has to go through to get approved and be published.

The document has to be approved by the Commission. It clearly shows it is a very demanding and complicated process. Furthermore, it clearly shows there is no formal involvement of business organizations.

Orgalime asks about the role of industry in the procedure.

The Convener argues industry is involved at many stages of the process, for instance at the level of the Annual Union Work Programme (!). He argues the Commission can involve the industry at multiple stages. Interestingly, CEN does not claim to represent industry.

ORGALIME aisbl | BluePoint Brussels | Boulevard A Reyers 80 | B1030 | Brussels | Belgium
Tel: +32 2 206 68 83 | e-mail: secretariat@orgalime.org
Ass. Intern. A.R. 12.7.74 | VAT BE 0414 341 438

Simplified procedure update

Mr Grones is asked to update on the use of the simplified procedure that does not involve comitology it is an informal procedure to correct minor challenges faced by old approved mandates to have references to standards published. This has been applied only 5 times in the construction area but was supposed to be applied across the board. However, as of the last CoS meeting, the process has been terminated due to a request from Member States and some organisations. Thus, the simplified procedure is dead.

Mr Köppen regrets the situation as it will delay the publication of references. He calls it the "death of the simplified procedure" amendments to existing mandates can no longer take place. As some of the old mandates are more than 20 years old it will take a while to develop the standardisation requests needed to start developing the standards needed.

Orgalime expresses concern for the implications of the process on industry and all the detailed requirements laid onto standardisers and expresses surprise that nobody is dealing with it.

The Convener argues the issue is not for JIS 5 to deal with, it is politics. JIS 5 was set up to improve the transparency of the processes and clarify what the Commission expects from the standardizers. He believes the problems arise from the agreement of 1025/2012, and the work of JIS 5 is to show what it means in reality. The flow chart is a good tool to show outsiders how complex the standardisation work is. **Once it is approved it may be used for other Directives**.

Mr Mikkeli believes the industry has ample possibility to contribute. He stresses the court has asked for a more thorough examination of standards content wise. And the documents going into CoS are available, thus industry has an opportunity to respond.

Mr Grones adds that industry involvement is secured through JIS 6 - SMARRT.

Mr Köppen indicates that the overview of the process will help industry know where to intervene. The process is aligned with current legislative requirements. The REFIT exercise has asked for simplification.

NBN asks when the process will be verified. Mr Mikkeli responds that this process has been under development for 2 years and is in force now.

Guidelines on hEN

Mr Mikkeli explains that the original paper was prepared by the Commission this is how the Commission sees the requirement, and what they expect. The comments raised by CEN illustrate where there are discrepancies between CEN and the Commission. Any issues will be solved on a case by case basis.

Mr Köppen believes the guide is a great step forward. It is usable today even though there are still areas where ad hoc solutions will need to be found.

Approval document for HAS consultants - CPR standards

Mr Mikkeli introduces the report intended for HAS consultants to assess standards. He indicates there will be case by case assessments made. He acknowledges there are areas which might be detrimental to the publication of the reference of the standard, however, this cannot be helped. He understands that solutions need to be found for additional characteristics, hazardous substances and the application of more than one test method. On these issues CEN and the Commission have different perspectives. He stresses that this is the document the Commission wants the HAS consultants to follow for the approval format.

BBRI asks if reference can be made to CEN guidelines when they are aligned with the Commission requirements? CEN confirms.

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BBRI mentions that the guide does not foresee the use of different test methods for one characteristic. CEN asks for written comments.

NBN asks if the HAS consultants have received any other guideline documents? He asks if all the documents available to the HAS consultants could be made available to the standards developers so that they understand on what criteria they will be assessed.

German construction sectors asks whether it is possible to split the scope of a mandated standardisation work or apply more than one standard to comply with the regulation?

Mr Mikkeli replies that they are in dialogue with the legal service on the issue. They don't know how much flexibility they have in terms of splitting standards by product group, even if the standard becomes too complicated.

German construction sectors asks if it is possible to include a sentence stating design elements should not be a part of the standard?

CEN replies that this is not an issue for JIS 5 to deal with. The Commission is developing a guidance on that. Agrees that design elements should not be part of the CE making but sometimes this happens. He asks for a written suggestion to the text.

SBS asks for a transition period for the document to come into force.

Mr Mikkeli responds that this process has been in force since 2012. The document itself only provides transparency. The Commission has been, almost coherently, applying the requirements as set down in these guidelines for the last two years. This comes from external pressure such as the outcomes of court cases. It would take a lot of convincing for them to change their way now!!!!

CEN states that standards will not be approved if the checklist is not followed.

Mr Köppen agrees with the Convener. He adds that the Commission can be flexible in applying the guidelines and hopefully the HAS consultants will also be. Mr Mikkeli on the other hand, says that no standards should be referred to the Commission for approval unless it complies with the checklist. Orgalime asks about this obvious contradiction, Mr Mikkeli repeat: let's hope the HAS consultants will be flexible. Common sense is needed.

NBN asks if the intention of the document will be explained in an introduction. Mr Mikkeli responds it might be possible at a later stage. Further developments specific to the CPR could be added for example. For now, the document is not made public.

The Commission is asked what happens to the TC's response to the mandate it is not mentioned in the checklist. The Commission responds they won't have a response in the future. Committees will be helped to respond to the request, so it will not be an issue in the future (implying there will be no comments?)

<u>CEN document relating to solution on characteristics not included in mandates</u>

CEN has decided at BT level to indicate in ZA which parts of the standards do not relate to CE marking. Mr Köppen argues that this is not a solution for the future, but for a few standards in process now. The Commission wants the standard only to cover CE-marking requirements.

CEN argues this is not how they see it. Both the template and the vademecum indicate that standards may contain elements that have not been forseen in the mandate. If the Commission won't agree, CEN argues this will imply changes fundamental to the how the standardisation system functions today. The Commission agrees and indicates we need to find a solution.

Discussion on the need to organize a meeting where this can be discussed; the Convener does not want to discuss it as part of JIS 5.

NEN argues it will not work with two sets of specifications – one for legislative requirements and one for others. Mr Mikkeli repeats, the solution by CEN is only for known cases, not a general solution.

Rules on drafting hEN

The Convener indicates that this is a document it has taken them 5 years to develop. They want to finalize it even though not all the issues have been solved. The Convener believes it is important for standards developers in TCs to have more information than is available to them now. The document introduces changes to 4,8 and 4.10.

CEN document on dangerous substances

CEN introduces the document developed by JIS 5 and asks the Commission to respond to it. The document advises TC's on test methods to access the content of the dangerous substance. If no method exists the TC should focus on developing the method rather than the standard.

A longer discussion on the importance of content vs. release arises. Also, on the implications of type approvals vs. factory controls. Content as a proxi of release is also discussed.

Discussion on what MSA do and what manufactures can expect from suppliers is also discussed – if that should or could be part of the standard. Participants agree that this is important to resolve but has to be dealt with elsewhere.

BBRI states that guidelines and advice is needed on how to make clauses on dangerous substances, otherwise a lot of standards will be blocked because old clauses will be used.

Mr Mikkeli is surprised why JIS 5 made this document. Guidance on this topic is under the competence of the Commission. He will consult on what is needed related to dangerous substances in light of the James Elliot case. He will seek to find a solution this year. However, we have more time to think on the CPR revision considerations as they will not be acted upon before the next legislature.

Guidance on delegated acts

CEN presents the document as a draft and asks the Commission for comments.

Mr Mikkeli replies that this area is in the sole competence of the Commission. He lists a number of Commission documents that should be used as reference and mentions a number of editorial errors in the document that need to be corrected. He expects the TC's to provide the right content of requests for developing delegated acts with the help of the Commission. The HAS consultants probably won't be involved. Furthermore, he states that the Commission will not allow further sub-classes in the future. The document might be published, but not necessarily.

CEN report on the implementation of the HAS Consultants

Mr Pargana (CEN) presents the new HAS consultant system. The system is supposed to bring transparency, but now that the consultants are contracted by E&Y there are fewer opportunities for assessments.

Discussion on how to disseminate the learnings form JIS Action 5

CEN will organise a workshop/seminar on the 22nd of October with the aim to provide state of the art guidance in the perspective of CPR. The Convener hopes to secure the participation of SCC participants. The meeting will be followed up by webinars on specific topics. CEN also plans to organise a workshop to close the mandate of JIS Action 5 in 2019.

The representative of the French government invites CEN to present learnings from JIS 5 to participants of a regular workshop organized in France (next meeting in October).

CPE suggests that the documents developed under the action should be made public on the CEN website.

Closing

Revised versions of the documents discussed at the meeting will be sent at the end of the summer.
Unless there are new documents to discuss, the next meeting will be a Telco, before the October meeting.

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