

eurofeu



Position Paper:

Proposal to change the concept of "Regulation of the European Parliament and of the Council laying down Harmonised Conditions for placing on the Market and using Construction Products"

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Eurofeu, the European Committee of the Manufacturers of Fire Protection Equipment and Fire Fighting Vehicles, is the umbrella organisation of Europe's national associations active in the field of fire protection. Eurofeu, is active in establishment and promotion of common policies on matters of mutual interest affecting all aspects of the fire trade in Europe.

The Eurofeu Sprinkler Section is dealing with the systems that use water as fire-fighting agent, especially with sprinkler systems.

The European fire protection industry, represented through Eurofeu, has been committed to strict demands on the quality of its products and services for a long time. Independent third party assessment has been an essential element to ensure effectiveness and reliability of the solutions provided to our customers.

Main messages

Eurofeu welcomes the initiative of the European Commission to transform the construction products directive into a regulation and, consequently, create a document binding for all EU Member States, eliminating the possibility of isolated approach by individual Member States.

The Construction Products Directive (CPD) being one of the main Directives affecting our members, Eurofeu would like to contribute to the process of revising the Construction Products Directive into a Regulation with the following remarks:

1. First of all, Eurofeu is, in general, concerned that the alternative routes for conformity assessment suggested in the draft Construction Products Regulation (CPR) will lead to a reduction of the quality of construction products in the field of fire protection for the safety of life (including firefighters) and property.
2. Where a harmonised standard for a fire protection construction products exists, this document should be the only basis to fulfil and declare the conformity with the essential requirements of the CPR and the issue of a CE mark. Only where a harmonised standard explicitly mentions such option, it should be possible to declare conformity based on a European Technical Assessment (ETA) or a Specific Technical Documentation (STD).
3. Eurofeu, being driven mainly by small and medium enterprises, is concerned about the principle to base requirements on the size of the company. This would create practical problems (What happens, if a company grows or decreases in size?) and varying interpretations. If a technical requirement is necessary, it should be valid for all parties, even micro enterprises, especially in the safety field.
4. STD: The option of alternative routes to get the CE mark will question the whole concept of the CPD:
 - a) Manufacturers have been spending huge amounts of money to write harmonised EN standards (hENS), to modify their products to fulfil the requirements of hENS, to be assessed and tested according to hENS and to have their factory production audited regularly. Offering the ETA and especially the STD route as alternative now means discriminating against the European trade, i.e. the companies fulfilling the current requirements
 - b) In the fire protection systems business it is quite common to have products assessed, tested and certified according to private rules, e.g. by insurance organisations. These are themselves, or have association with, regularly Notified Bodies, too. Their private specifications have, in some instances, clauses which appear similar to the procedures laid down in hENS but differ from each other and vary from country to country.

However, they would be a typical prospect for an STD which would cause serious problems. Manufacturers will use the easier route and have STDs instead of following hENs. As the STD route will give manufacturers more freedom, products will continue to be designed against varying specifications. Varying product specifications, though, are the most important obstacle preventing the Internal Market.

5. Eurofeu welcomes a number of less burdensome assessment procedures into Harmonised Standards wherever possible. However, Eurofeu is concerned that alternative routes are now proposed which will compete with, and which are especially easier to fulfil than, the harmonised standards

Such alternative route may be taken by not meeting the essential minimum requirements of a Harmonised Standard, especially by companies which do not have a long-term commitment to the internal market and European customers.

Thus, the alternative routes may create pressure on existing companies to follow less demanding requirements and this will create severe problems for an industry committed to life safety

6. The proposal will allow ETAs to be based on bilateral contracts between the company and the Technical Assessment Bodies (TAB). This will result in economical and technical pressure on the TAB, which is critical to the quality of the assessment and of the products. The assessment of products for fire protection systems is a very specialised market requiring very specialised expertise and long term experience.

For the same reason Eurofeu is also concerned about the possibility of subcontracting the work of a Notified Body.

7. Witness testing: If construction products are critical enough to require an AoC according to the new system 2 (former system 1) , then such products should not be allowed to be assessed using witness testing according to Article 36.

In nearly all cases there are economical, technical or logistic reasons to perform the testing in the manufacturer's facilities. Thus, the exception will become the standard for certain industries and the independence, the competence and experience of the Notified Bodies will decrease.

Eurofeu is proposing to maintain the principle of independent third party assessment for its products. This is critical to achieve the required performance of fire protection products and systems

8. Declaration of performance: The concept of declaring the characteristics of a products is creating some confusion in the fire protection industry:

Currently, none of the harmonised standards published in this field contains the possibility of declaring conformity with a specific class. None of the hENs for fire fighting systems products comprise a "No Performance Declared" option.

The common understanding when writing and applying hENs has always been that all requirements listed in the annex ZA need to be fulfilled. Any divergence from this will reduce the level of safety in the works, which cannot be the intention of the EC.

Consequently, all products complying with a specific harmonised standard should fulfil the same essential requirements, all declarations should state the same performance and thus eliminate the need for an individual performance declaration. This will be the driving force to freely trade the (comparable) products within the EU.

The concept proposed in the CPR will cause confusion in the market at specifiers, end-users, approval bodies and manufacturers.

9. Eurofeu objects to a concept where it is not required to (fully) declare the conformity with the relevant hEN at all even if a construction product is falling into the scope of a hEN.

The requirement to fulfil the essential characteristics of the CPR and the related harmonised standards should not be based on the condition that there is a legal requirement in one of the Member States. To fulfil the hEN requirements should be necessary throughout the EU.

10. Eurofeu very much welcomes the promotion and implementation of means to reach the Internal Market. The free trade of goods, though, should not interfere with the existence of a long established well proven situation for products being used in fire protection systems being of the necessary minimum quality to ensure the required fire fighting performance.