



## Notes of EuroWindowor meeting with Tapani Mikkeli, DG GROW on April 25<sup>th</sup>, 2019 in Brussels

### **Purpose:**

To discuss the process of the TC 33 standardization requests and development of hENs under the CPR

### **Participants:**

EC: Tapani Mikkeli,

EuroWindowor: Frank Koos, Britta Tipsmark Hougaard, Karsten Duer

### **Minutes:**

The agenda items below refer to the agenda submitted by EuroWindowor (*enclosure 1*).

Frank Koos thanked Mr Mikkeli for hosting the meeting.

### **1 Status of Revising the CPR – results of Technical Platform meetings and impact Assessment Review**

Mr Mikkeli informed of the CPR status:

1. A revision or not of CPR is still under consideration. However, a revision is the most likely outcome due to heavy criticism of important parts of the CPR.
2. All stakeholders agree on the cornerstones that constitute the EU market – also for construction products.
3. A study of pain points and potential alternatives for CPR is already underway.
4. If a revision will take place, a consultation process with MS, industry etc. is likely to happen early next year.
5. The level of man-power in EC is a concern – at present it does not seem to match the needs in e.g. the development of Standardisation Requests.

### **2 Draft Standardisation Request ( $S_{req}$ ) for CEN/TC 33 (March 2019) – problems to solve**

One method per essential characteristic: Mr Mikkeli informed that he considers it OK to use tabulated, measured, calculated (three methods) for the same characteristic.

Dated references requested from legal certainty PoV and likely to come. To challenge and change this will require involvement at political level – and to make a common front with “the whole industry” – not as CEN.

Exhaustiveness gives less flexibility: Mikkeli agreed that the process of changing/updating/correcting mistakes in the  $S_{req}$  is not as flexible as one could wish, but he unfortunately cannot see much other ways as the process is directed by the standardization regulation. He was though optimistic in terms of finding ways to handle the specific challenges that emerges when having to include existing text from scopes of standard that are under way to be changed (e.g. merging of EN 16034 into EN 14351-1 and -2).

AVCP: Mr Mikkeli agrees that AVCP shall be linked to characteristics – not to intended use. AVCP will be in a delegated act and there will be a clear link from the  $S_{req}$ . AVCP 4 will NOT be deleted.

Completeness: not recommended by Mr Mikkeli to de-harmonise hinges and locks, but in the end the proposal shall come from the TC and not a WG or anyone else (meaning industry association). He did also make clear that leaving out these standards from the new  $S_{req}$  will not automatically be a de-harmonization. This only means that the standards to be used for CE marking will forever be the ones that are cited in OJEU now.

Comments from “EC Consultants”: These are the technical consultants (Giancarlo Bedotti and Joel Cucho) – not the HAS consultants. It is likely that Mr. Bedotti will be appointed to finalise the draft  $S_{req}$  for TC 33. His task will be to consolidate and make coherent the draft  $S_{req}$  for the presentation for Commission of Standards etc. and not to do essential changes.

BRCW 7: Use of historical data – how to use them in a NB context. Mr Mikkeli understands the issue and that many things need to be solved. Among others the vision is to have some of the existing experts becoming Notified Bodies for BWR 7.

Time schedule: The further development of the  $S_{req}$  will follow the process for standardisation request made as part of Joint Initiative of Standardization Action 5. This include consultation with SCC, COS, EC, CEN BT. Mr Mikkeli informed that the  $S_{req}$  may be ready early 2020.

### **3 Solution to harmonise in an interim stage the proper results of the previous revisions of the product standards before $S_{req}$ comes into force and new revision needs to be prepared**

The new CEN/TC 33  $S_{req}$  will most likely be ready early 2020 and therefor OJEU citation of the present draft of prEN 14351-1 will not be likely. It will have to be adjusted according to the new  $S_{req}$ .  
EN 13830 is OK for OJEU citation – expected late 2019.

### **4 What will happen, if the reference to EN 14351-2:2018 for internal doors is amended to the related note in the OJEU after 1.11.2019 when the coexistence has ended for EN 16034?**

The coexistence period for EN 16034 and EN 14351-1 will probably be extended. The duration will be linked to the dates in the coming citation of EN 14351-2.

The delegated act on air permeability of internal doors will not be published in OJEU by November – maybe December or very early 2020.

The 14351-2 does not have fundamental flaws that from Mr Mikkeli view would prohibit citation, but there are some unresolved issues that may have influence on the citation – since also the decision process in EC is new and “out of the hands” of Mr Mikkeli.

### **5 Unfortunate impact of ROHS on CPR – no CE marking for e.g. “incomplete doors”**

Britta Tipsmark gave examples of mismatch between RoHS and CPR: The Directive 2011/65/EU on Restriction of Hazardous Substances in electrical and electronic equipment requires in Article 7 CE marking, if not other applicable Union legislation requires the application of a conformity assessment procedure. Construction products shall become electrical device falling under ROHS from July 22<sup>nd</sup>, 2019, if electrical equipment is included (position of DG ENV). Therefore internal doors will be CE marked according to ROHS without EN 14351-2 has been cited.

For harmonised products it makes it difficult to use some material e.g. PVC recycling material. An exemption for PVC recycling material will not come into force in due time. Manufacturers can overcome that problem, if the electrical device is installed after the other parts of the product have been placed on the marked.

Mr Mikkeli will check the compliance between CPR and RoHS with colleagues in DG ENV. If there is no response from him before Mid-May EuroWindoor is asked to check up on him.

April 2019  
KD / BTH / Ks

**Revision of CEN/TC 33 Mandate(s) - Standardisation Request  $S_{req}$   
- meeting with Mr Tapani Mikkeli (DG GROW) -  
on April 25<sup>th</sup>, 2019, 13:00-15:00h**

**Topics interesting EuroWindow**

**1 Status of Revising the CPR – results of Technical Platform meetings and impact Assessment Review**

- Simplified procedures for SME's and ideas for simplification
  - **AVCP 4 instead of AVCP 3 for the use of simplified procedures** (tabulated values or simple calculations)
  - **Order to affix the CE marking arbitrary** (CE on accompanying documents equivalent to affixing to the construction product itself)?
  - **Simple CE marking** (limited information on the label itself as long as there is a link to a web site where the DoP can be found).
- Time schedule and further proceeding

**2 Draft Standardisation Request for CEN/TC 33 (March 2019) – problems to solve**

- **One method per essential characteristic or correlation, if more than one:**  
There are conflicts with EN 14351-1 and -2; example U-value: 3 methods (tabulated values, calculation and test procedure) for the assessment; The idea is to support simplified procedures according to recitals (27), (36)-(39), Art. 36 CPR. No clear correlation possible, but methods trying to be on safe side. How to deal with tolerances and inaccuracy of NB?
- **Dated references (idea of legal perspective):**  
Who is able to follow the revision of supporting standards in detail; what happens to “minor revision“; Time schedule and procedure of standardisation needs to be followed. Technical development will be slow down. How many citations are possible?
- **Exhaustiveness of the  $S_{req}$  gives less flexibility:**  
Development may be frozen under CPR, because there is no flexibility for standardisation after  $S_{req}$  is finalized, especially scopes are included. What happens, if new products need other characteristics to be assessed or if changes are needed, because new information for characteristics or assessment methods is available? How to amend or revise  $S_{req}$  quickly?
- **AVCP-Systems included in  $S_{req}$  or not:**  
It is important to have AVCP linked to characteristic and not to the intended use. A clear decision is needed in line with the draft  $S_{req}$  and should not be considered separately. There are rumours that the use of AVCP 4 shall be omitted in general. Is this true?
- **Completeness of  $S_{req}$ :**  
The draft Standardisation Request is proposing de-harmonisation of hinges (EN 1935) and locks (EN 12209). How to secure certification of FPC of supplying industries in AVCP 1 without having new national approvals or certification schemes?
- **Different needs to match to receive correct and sufficient input data:**  
Glass products are covered by CEN/TC 129 and not CEN/TC 33, but relevant for the performance of TC 33 products. Thus different  $S_{req}$  needs to match. TC 33 cannot influence TC 129. Does EC ensure that different  $S_{req}$  of different TC match?
- **Comments from “EC-Consultants” to the draft  $S_{req}$ :**  
Assessment after proposal from CEN is ready. The Consultants did not participate to the discussions and may have missed important arguments. What will happen, if there are essential modifications? Are modifications in discussion? How to prevent from a “never ending loop“?
- **Characteristics under BRCW 7 - AVCP and use of historical data:**  
If the AVCP is set higher than 4, use of historical data will be difficult even they had be verified by a third party according to EN 15804. Costs for an EPD are very high.

- **Time schedule:**  
“finalfinal“ document from CEN/TC33 until 30.5.; delivery of document until 10.6. for SCC on 1.+2. July. What will happen after July?

**3 Solution to harmonise in an interim stage the proper results of the previous revisions of the product standards before S<sub>req</sub> comes into force and new revision needs to be prepared**

This was discussed at the convenors meeting where DG GROW indicated that no standards will be harmonised, if a new S<sub>req</sub> is planned – and certainly not, if a S<sub>req</sub> is already in process.

Products standards in TC 33 which are ready or will be finalised soon:

- EN 13830:2015 for Curtain Walling: A1 amendment finalized in March 2019 (in line with the information from Tapani Mikkeli from 2018). Is there a citation in October 2019?
- Revision prEN 14351-1: 2010 because of amended M/101 in 2013 with new characteristics and to comply with CPR: CEN-Enquiry 25.4-18.7 → publication Beginning 2020 is possible. Shall TC 33 stop the work and wait for S<sub>req</sub> with new deadlines in 2025? Makes finalization of the standard sense for a citation?

**4 What will happen, if the reference to EN 14351-2:2018 for internal doors is amended to the related note in the OJEU after 1.11.2019 when the coexistence has ended for EN 16034?**

- Status Del. Act for additional Classes of air tightness of internal doors?
- Will citation of EN 14351-2:2018 come with a new coexistence period for EN 16034 in October or not?

**5 Unfortunate impact of ROHS on CPR – no CE marking for e.g. “incomplete doors”**

The Directive 2011/65/EU on Restriction of Hazardous Substances in electrical and electronic equipment requires in Article 7 CE marking, if not other applicable Union legislation requires the application of a conformity assessment procedure.

Construction products shall become electrical device falling under ROHS from July 22<sup>nd</sup>, 2019, if electrical equipment is included (position of DG ENV). Therefore internal doors will be CE marked according to ROHS without EN 14351-2 has been cited.

For harmonised products it makes it difficult to use some material e.g. PVC recycling material. An exemption for PVC recycling material will not come into force in due time. Manufacturers can overcome that problem, if the electrical device is installed after the other parts of the product have been placed on the market.

The practical example of a door with a motor lock illustrates different procedures and responsibilities resulting in different requirements for the products.

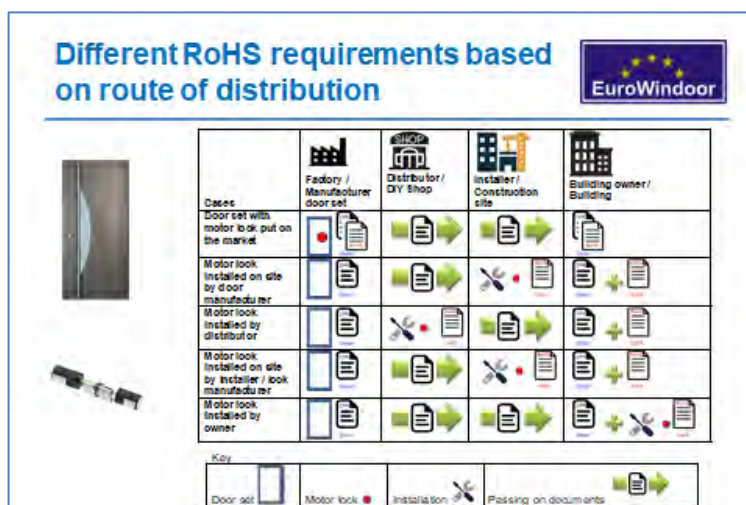
Case 1: Motor lock in the factory by the manufacturer installed and delivered

Case 2: Motor lock installed at the building site by the manufacturer after the door installation

Case 3: Motor lock installed by distributor at building site before the door installation

Case 4: Motor lock installed by installer or lock manufacturer in a door at building site

Case 5: Motor lock installed by building owner in a door in the building



**6 What can EuroWindoor do for DG GROW?**