JIS — Action 5: CPR — Procedure to develop a Standardisation Request

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Introduction

This document is a summary of the procedure to be followed when drafting new standards or revising existing ones when the changes to be introduced require a Standardisation Request because the technical content is not aligned.

The explanations were discussed by the experts of the Joint Initiative on Standardisation Action 5. The content of this document is applicable to procedures under the CPR but similar approaches are followed in other regulatory frameworks.

1 Scope

This document explains the CPR procedures for the development of Standardisation Request. It also contains guidance on the need to launch the procedure, the bodies involved, the documents to be developed and indicative timeframes.

This document covers the process to develop Standardisation requests to solve problems related to the modification or introduction of classes of performance or threshold values. This issue can also be solved by developing a delegated act, but this document does not cover this option. There is a specific document of JIS action 5 on this matter.

2 Terms and definitions

For the purposes of this document, the following terms and definitions apply:

2.1

Construction Products Regulation (CPR)

Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

2.2

Standardisation Regulation

Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council.

2.3

Regulation for implemented powers

Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

3 Identification of the situation of the harmonised standard

3.1 Relevant documents

The first action is to identify the CPR reference documents applicable to the harmonised standard. Two situations are possible:

3.1.1 Mandates published by the European Commission

Before the entry into force of the CPR, harmonised standards were developed under request of the European Commission described in mandates. This is the situation for most harmonised standards under the CPR.

Mandates are complemented with answers to the mandate (CEN/TC documents) and communications between CEN and the European Commission on the content of the harmonised standard.

Relevant documents when working with mandates are:

— CPD related mandates (valid under the CPR): core document developed by the European Commission including the requirements standards shall cover to fulfil the requirements of the CPR for one or more than one family of products. These documents are based on notified regulatory provisions of Member States and the European requirements, if any.

— Amendment of Mandates: documents reflecting modifications to the content of the relevant mandate. They can be applicable to the full family of products covered by the mandate or to a part of them.

— Answers to the mandate: specific documents developed by the CEN/TC explaining and justifying how the standard reflects or not the mandate and its amendments. Every standard is accompanied by an answer to the relevant mandate or mandates, in case more than one applies to the product.

— Letters and communications: during the drafting process some decisions are discussed between CEN and the European Commission, the final agreements are reflected in letters usually signed by the European Commission.

— Standard: the result of the process, published by CEN and, if positively assessed, cited in the Official Journal of the European Union.

3.1.2 Standardisation request

After the entry into force of the Standardisation Regulation, standardisation demands from the European Commission follow the implemented act procedure described in the Regulation for implemented powers.

Standardisation requests are complemented with work programmes submitted by CEN and approved by the European Commission.

Relevant documents when working with Standardisation Requests are:

— CPR related Standardisation Requests: core document requesting the development of one, or more than one standard to be developed to fulfil the requirements of the CPR for one or more than one family of products.

— Work programme: proposal of CEN on how the standards requested in the Standardisation Request are going to be developed.

— Acceptance of the work programme: Communication of the European Commission accepting the CEN proposal to develop the Standardisation Request.

3.2 Verification of the technical content

All documents collected shall be checked and compared with the draft revision of the harmonised standard or preliminary standardisation document.

When the standard does not match the requirements of the Mandate/Standardisation Request three situations can happen:

— Discrepancies are compatible with the Mandate/Standardisation Request (e.g. declaration of essential characteristics using proxy characteristics or classification for the declaration of one essential characteristic not reflected in the mandate but available in cited versions of the harmonised standard).

— Discrepancies are not compatible with the Mandate/Standardisation Request, but the standard can be revised to align them (e.g threshold value introduced in previous versions of the standard and removed in the revision).

— Discrepancies are not compatible with the Mandate/Standardisation Request and the revised version of the standard must contain the discrepancies for technical reasons. (e.g. introduction of a new essential characteristic)

— The standard includes a classification system or a threshold value for the declaration of the performance of at least one essential characteristic not reflected in the Mandate, Standardisation Request or an applicable delegated act.

This document will address the procedures to be applied for the last two situations. In case the problem is related to classes or thresholds it can be solved by the development of a delegated act, but this option is not reflected in this document (see document JIS – Action 5 on delegated acts).

3.3 Regulatory procedure

3.3.1 General

When the solution to the problems described in the previous clause requires changes in the Mandate/Standardisation Request there is a need to follow the procedure to develop a new Standardisation Request based on the existing Mandate/Standardisation Request but including the relevant changes.

According to the CPR, in some cases a revised mandate could solve the problem, but the Committee on Standards discussed this possibility in May 2018 and decided that the only possible approach is the development of a Standardisation Request.

3.3.2 Procedure

3.3.2.1 Introduction

The procedure to be applied is the Standardisation Request procedure described in Figure 1.

The different stages of the process are described in the following points:

3.3.2.2 Stage 01

The procedure is triggered by the identification of the need to draft a Standardisation Request. Either Member States or stakeholders should be able to ask the European Commission to start the process. The European Commission can also start the process itself.

The request must be included in the Annual Union Work Programme for European Standardisation but there is no need to take any action because this clause is already included in a generic way.

European Commission collects inputs from stakeholders, Member States and EFTA countries and, in case the matter is clearly identified and it is market relevant, they proceed to the next stage.

3.3.2.3 Stage 02

European Commission officials start drafting the Standardisation Request. In parallel CEN launch the Standardisation Request Ad-Hoc Group procedure to help the European Commission to develop a consistent draft from the technical point of view. Involvement of experts from the relevant CEN/TCs, other stakeholders and representatives from Member States, EFTA countries and Standardisation Bodies is important to avoid discussions at later stages.

The Standardisation Request is a legal document including the general provisions followed by an annex with the technical provisions. Usually the European Commission provides an initial draft to be verified by the CEN/TC experts and other involved parties. Experts should focus on the information in the annex because the first part of the document is based on legal provisions according to internal legal procedures of the European Commission.

3.3.2.4 Stage 03

The draft document is sent to the Standing Committee on Construction for consultation. Representatives from Member States, EFTA countries and stakeholders dealing with the CPR can present their comments. The European Commission may discuss and revise the draft if needed (iterative process back to stage 02).

3.3.2.5 Stage 04

The draft document is sent to the Committee on Standards for consultation. More comments are collected from Member States. The European Commission may discuss and revise the draft if needed (iterative process within stage 04). This process is supported by the SRAHG procedure to ensure that the request can be accepted from the technical point of view by CEN. Stages 03 and 04 can take place at the same time.

3.3.2.6 Stage 05

European Commission launch an internal consultation and translates the draft Standardisation Request to the official languages of the European Union.

3.3.2.7 Stage 06

The Standardisation Request is submitted to the Committee on Standards for approval and communicated to the SRAHG for information.

In case the Committee on Standards rejects the proposal, the process goes back to stage 02 and a re-drafting of the document is required.

In case the Committee on Standards approves the proposal, it is submitted to the CEN BT for acceptance.

3.3.2.8 Stage 07

CEN BT accepts or rejects the Standardisation Request taking into consideration the inputs of the SRAHG.

In case CEN BT rejects the proposal, the process goes back to stage 02 and a re-drafting of the document is required.

In case CEN BT accepts the proposal, the implemented act procedure can be launched by the European Commission

3.3.2.9 Stage 08

When the Standardisation Request is approved by the Committee on Standards and accepted by CEN BT the European Commission follows the implemented act procedure to publish it in the official journal.

CEN BT sends a letter to the concerned CEN/TCs and request from them a work programme.

3.3.2.10 Stage 09

Concerned CEN/TCs develop a work programme and send it to CEN BT. They then submit is to the European Commission for acceptance.

In case the European Commission rejects the work programme, (usually after unfruitful discussions with CEN) the process goes back to stage 02.

In case the European Commission accepts the work programme the drafting process by the concerned CEN/TCs starts officially.

3.3.2.11 Stage 10

In this stage the work item (could be more than one and by different CEN/TC) must be registered (if not done before). The concerned CEN/TC could already have developed tasks as preliminary standardisation work, consultations, etc. to save time during the official drafting process.

The process of drafting hEN is more detailed in other documents, including enquiry, formal vote, possibility of skip formal vote and management of comments. At this stage harmonised consultants assess the compliance of the standard with the CPR.

3.3.2.12 Stage 11

European Commission officials check the consistency of the published standard with the Standardisation Request and the working plan and any other relevant document.

In case the standard fulfils the European Commission requirements it is included in the batch for citation.

In case the standard does not fulfil the European Commission requirements two options are possible, the revision of the standard by the concerned CEN/TC (stage 11) or start the full process again (stage 02).

3.3.2.13 Stage 12

The standard is cited in the OJEU including a co-existence period.

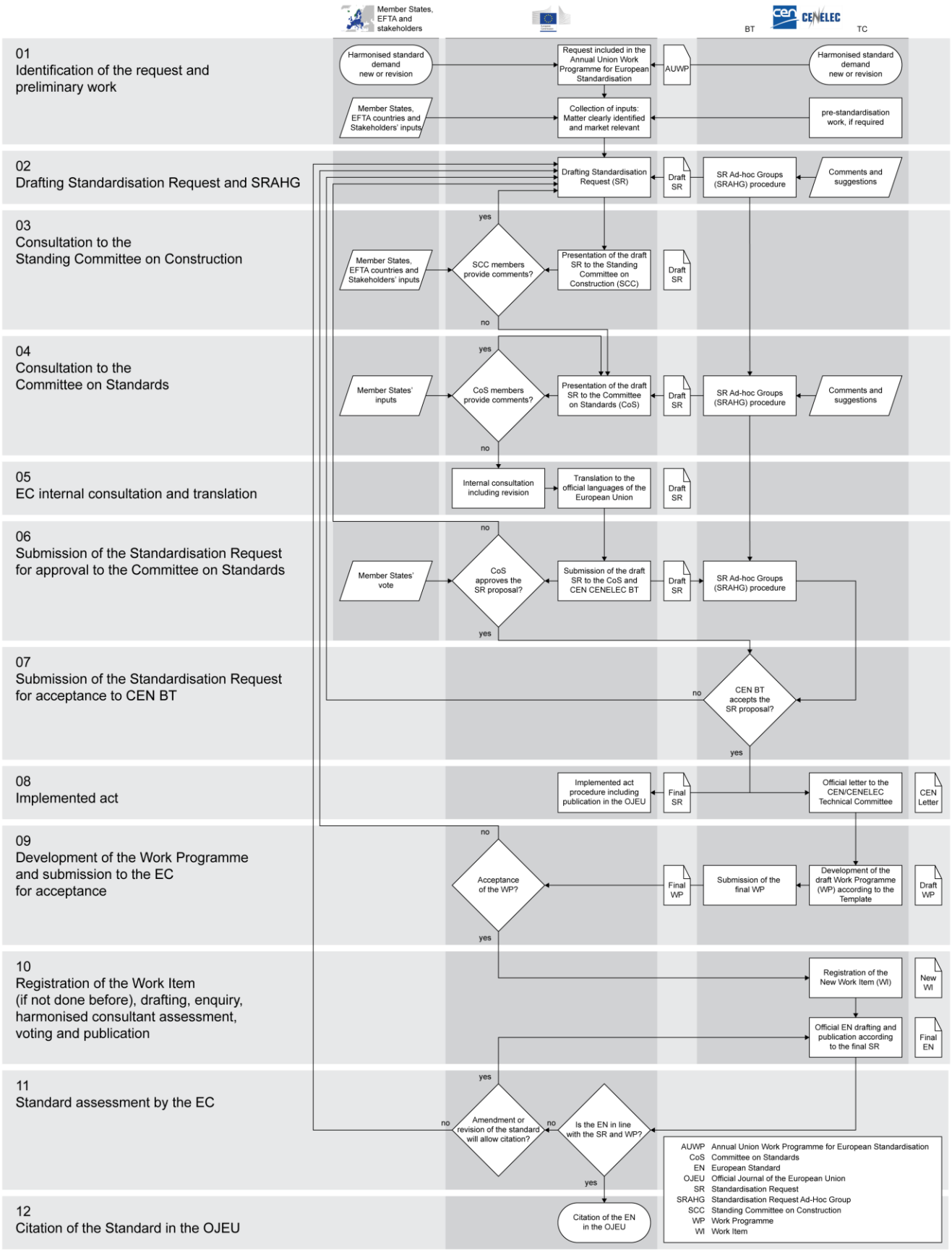

Figure 1 - Standardisation request flowchart