COMMISSION DELEGATED REGULATION (EU) No …/..

of 16.7.2014

on the conditions for classification, without testing, of wood-based panels under EN13986 and solid wood panelling and cladding under EN14915 with regard to their fire protection ability, when used for wall and ceiling covering

(Text with EEA relevance)
1. CONTEXT OF THE DELEGATED ACT


Additionally, Regulation (EU) No 305/2011 acknowledges two main alternatives to establish classes of performance in relation to the essential characteristics of construction products. According to Article 27(1), this can be done by delegated acts of the Commission, whereas Article 27(2) allows for the use of harmonised standards for this purpose.

When the performance of certain construction products has already been sufficiently demonstrated by stable test results or other existing data, their manufacturers should be permitted, under conditions to be specified, to declare a certain class of performance without testing or further testing these products. Such a simplified procedure would serve the same objective of avoiding unnecessary administrative burdens and costs. This has been foreseen in Article 27(5) and Article 36(1)(a) of Regulation (EU) No 305/2011.

Commission Decision 2000/367/EC² established a European classification system regarding fire protection ability as resistance to fire of construction products, based upon European test methods and explicit levels of performance.

Wood-based panels covered by EN 13986 and solid wood panelling and cladding covered by EN 14915, all used for wall and ceiling covering, have proven to have a stable and predictable performance concerning their fire protection ability as resistance to fire, when they meet certain conditions. This conclusion has been based on numerous test and classification reports gathered and compiled by the industry and the experts consulted. For this reason, the fire protection ability of these products can be deemed, without the need for any further testing, to achieve certain classes of performance, as defined in the European classification system mentioned above, when they are used for wall and ceiling covering.

Therefore, the draft Regulation, proposed by the construction industry, sets out the conditions for using these simplified procedures for determining the performance in relation to fire protection ability of wood-based panels falling within the scope of EN 13986 and solid wood panelling and cladding falling within the scope of EN 14915.

The draft Regulation will thus reduce the burdens and the costs incurred by the manufacturers of wood-based panels, solid wood panelling and cladding, because they will not anymore need to test the products covered by the draft Regulation for their fire protection ability. The consequence will be the general increase in efficiency and competitiveness of the construction industry as a whole.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft act was initially prepared as a Commission Implementing Decision, based on Council Directive 89/106/EEC (Construction Products Directive). It was submitted for the

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¹ OJ L 88, 4.4.2011, p. 5.
opinion of the Standing Committee of Construction, in accordance with the procedures
foreseen in Article 20 of Directive 89/106/EEC, and was supported by the unanimity of
Member States present (304 votes). EFTA and the construction products industry also
supported the draft Decision. In this context, the European Parliament, to which the draft was
duly transmitted, did not formulate any comments on the draft Decision.

Before the draft Decision was adopted, Regulation (EU) No 305/2011 entered into full
application and repealed Directive 89/106/EEC. Therefore, a revised version of the draft legal
act was produced to correspond to the procedural demands of Regulation (EU) No 305/2011
and subjected to consultation under its provisions, as a delegated act. However, all its
technical aspects contained in the Annex remain untouched.

In particular, the draft Regulation was submitted for a written consultation of experts. Before
this consultation, all Member States had been presented an opportunity to nominate experts to
participate in it. In addition to these experts, also other external stakeholders were included as
consulted. The documents relevant to the written consultation were transmitted
simultaneously to the European Parliament and to the Council, as foreseen in the Common
Understanding on delegated acts.

The observations presented during all these preceding consultations were taken into account
when preparing the final draft version of this act for the inter-service consultation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Pursuant to Article 27 of Regulation (EU) No 305/2011, classes of performance may be
established in relation to the essential characteristics of construction products.

Moreover, in accordance with Article 27(5), the Commission may establish conditions under
which a construction product shall be deemed to achieve a certain class of performance
without testing or without further testing, in order to avoid the unnecessary testing of
construction products for which performance has already been sufficiently demonstrated by
stable test results or other existing data.

These conditions are then to be fulfilled when a manufacturer wishes to replace type-testing
of his product by these levels or classes of performance, as set out in Article 36(1)(a) of

The European classification system established by Commission Decision 2000/367/EC,
regarding the fire protection ability as resistance to fire of construction products, is applicable
to wood-based panels covered by the harmonised standard EN 13986, as well as solid wood
panelling and cladding covered by the harmonised standard EN 14915.

According to the consultations carried out, the fire protection ability of wood-based panels,
solid wood panelling and cladding within the classification provided for in Decision
2000/367/EC, is well established. For this reason, the fire protection ability of these products
can be deemed, without the need for any further testing, to achieve certain classes of
performance, as defined in the European classification system mentioned above, when they
are used for wall and ceiling covering.

The draft Regulation conforms to the principle of proportionality. It results in alleviating
certain obligations foreseen by Regulation (EU) 305/2011, concerning the testing of products
under its scope.
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on the conditions for classification, without testing, of wood-based panels under EN13986 and solid wood panelling and cladding under EN14915 with regard to their fire protection ability, when used for wall and ceiling covering

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,


Whereas:

(1) A system for classifying the performance of construction products, construction works and parts thereof with regard to their resistance to fire was adopted in Commission Decision 2000/367/EC4. Wood-based panels covered by the harmonised standard EN 13986, as well as solid wood panelling and cladding covered by the harmonised standard EN 14915 are among the construction products to which that Decision applies.

(2) Tests have shown those products to have a stable and predictable performance concerning fire protection ability when used for wall and ceiling covering provided that the products meet certain conditions regarding the density of the wood and the thickness of the panels, panelling and cladding.

(3) Wood-based panels covered by the harmonised standard EN 13986 and solid wood panelling and cladding covered by the harmonised standard EN 14915 should therefore be deemed to satisfy the classes of performance for fire protection ability established in Decision 2000/367/EC on those conditions without further testing being required,

HAS ADOPTED THIS REGULATION:

Article 1

Wood-based panels covered by the harmonised standard EN 13986 and solid wood panelling and cladding covered by the harmonised standard EN 14915 which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing, when they are used for wall and ceiling covering.

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3 OJ L 88, 4.4.2011, p. 5.
Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16.7.2014

For the Commission
The President
José Manuel BARROSO