

Delegated Regulation on Reaction to Fire Classes published



We did not ask for it, we did not support it, we were actually against it and prepared to lobby against it, but we reconsidered the situation and finally decided to take it: the **new definition of fire class F**.

The corresponding Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 was already adopted by the European Parliament and the Council last September. However, it then turned out that the definitions of the already existing, long established classes “A” were wrong, because someone had forgotten the “Δ” in front of all the “T” and “m”. Clearly a small editorial mistake with major impact, but one that could easily be resolved – or so one might falsely think. Unfortunately, things are not that easy these days, certainly not in Brussels and most certainly not with the Commission. Correcting this mistake and publishing the correct version took therefore six months. Six months during which all related Delegated Regulation, including the one on classifying organic mortars and renders without testing, have been on hold.

[Commission Delegated Regulation \(EU\) 2016/364](#) was **published in the Official Journal** last Tuesday, **15 March 2016** and **will enter into force on 4 April 2016**. With its publication, the currently valid Decision 2000/147/EC is repealed and references to this repealed Decision (e.g. in existing standards) shall be interpreted as reference to the new Delegate Regulation. Consequently, all Declarations of Performance and CE markings which already issued/printed referring to classes “F” or “F_{FL}” refer to the new definition as of 4 April 2016 and do no longer implicitly state “No Performance Determined” (NPD). **The practical consequences** are that Member States have to adapt their existing legislation and that

- A **manufacturer needs an initial type test**, to substantiate the performance claimed by referring to the new defined classes “F” or “F_{FL}”. However, it does **not** mean that **every manufacturer has to perform such** (a) test(s). Article 36.1 (b) of the **CPE allows sharing results** for a product with manufacturers of products of the same type.

or alternatively

- A **manufacturer has** to replace the reference to class F in the Declaration of Performance and CE marking by “NPD”, i.e. has **to issue** (a) **new DoP(s) and consequently change the CE marking**.

The **recommendation for new DoPs**, be it for new product types or in case of needing to update information for an existing type, **is evidently to state “NPD”** – of course only in cases where reaction to fire is not relevant or not required.

Market surveillance authorities at EU level seem to have tacitly agreed not to object to existing DoPs/CE-markings that continue to refer to class F without a



test. The secretariat will seek confirmation of this rumour at the next meeting of the Administrative Cooperation Group “Market Surveillance” on 12 April 2016. The confirmation of the AdCo “Market Surveillance” would be helpful but no guarantee and does not affect the contractual obligations towards clients.

The **next step with regards to EMO’s requested Delegate Regulation** “on external renders and internal plasters based on organic binders covered by EN 15824 and rendering and plastering mortars covered by EN 998-1 with regard to their reaction to fire” is the **introduction of the reference to Delegated Regulation (EU) 2016/364 in the text**. This is the only thing missing to finalise the draft before sending it to **Inter-service consultation**, which – as we were told – is not likely to happen before the Easter break. The inter-service consultation takes approximately 10 to 15 days and should be finalised “well before the summer break”. Then the Commission proposal is **finally submitted to the European Parliament and the Council** for approval (expected) or rejection. This will take up to 3 months if neither of the two bodies requests an extension of another 3 months. All this in mind, any **publication of the Delegated Regulation before September would be a welcomed surprise**.

You are once more amazing!



The **2016 NEPSI reporting** officially closed on **15 March 2016**. As reported in the previous Newsflash, figures at that time were disappointing. But within less than 2 weeks the **mortar industry once more gave an impressive demonstration** of what is achievable with **true engagement**. **Although** – unlike in previous years – no voluntary figures from Italy and Slovenia were reported and **the system will remain open for latecomers to report until end of the month**, the core of the European mortar industry – **our members** – **already set at new internal record** by reporting for **more than 9500 employees** from approximately **80 % of all production sites**. **This is absolutely fantastic! Thank you**, this is the best motivation to continue the joint endeavour against legal measures!

And of course **thanks to our “Mr. NEPSI”, Markus Schumacher** for his work and engagement!

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