

353001 "353001 Hout"

Nationale secretaris: Venemans Annemieke Mrs



Delegated act CWFT Houten gevelbekleding

Type document	Gerelateerde inhoud	Datum document	Verwachte actie
Algemeen / Ander		2023-11-22	

Beschrijving

Opmerking secretaris:

De definitieve versie van de nieuwe Delegated Act voor de brandclassificatie van houten gevelbekleding [C(2023) 7486 final] is nu gepubliceerd. In de zgn. scrutiny-periode van 3 maanden kan nog commentaar worden ingediend bij de voorzitter van de Europese Raad; nu Spanje en vanaf 1 januari 2024 België. Het loket voor Nederland is Min BZK.

De planning voor het verdere proces is

- Tekst klaar – 11 november 2023
- Scrutiny 3 maanden – 11 februari 2024
- Publicatie in OJEU – medio (?) februari 2024
- Van kracht 90 dagen later – medio mei 2024

De Delegated Act is dan meteen van kracht en kan door fabrikanten worden gebruikt om de brand- en rookklasse van een bouwproduct te declareren in de prestatieverklaring zonder verder te testen (mits voldaan is aan bijbehorende technische specificaties van het bouwproduct als omschreven in de annex van die Del Act).

Het per Del Act door de Commissie gepubliceerde besluit heeft onmiddellijke rechtskracht. Er hoeft niet te worden gewacht op aanpassing en publicatie van de hEN voor dat bouwproduct.

Het gaat ook niet om een plicht voor fabrikanten om de per Del Act gegeven CWFT klasse te declareren maar om een faciliteit die aan fabrikanten wordt geboden ter vermindering van administratieve lasten.

Specifieke CPR-informatie, zoals de van toepassing zijnde essentiële kenmerken en AVCP-niveaus, wordt door CEN als faciliteit gegeven in een informatieve bijlage (de Annex ZA) van de hEN (voor CEN dus niet-normatieve informatie). In die informatieve bijlage kan ook een CWFT-klasse geplaatst worden, indien van toepassing.

CE-markering volgens de huidige EN 14915:2013 op een product blijft geldig tot na de co-existentieperiode van de volgende versie van EN 14915 (en zolang het product niet wijzigt).



Brussels, 10.11.2023
C(2023) 7486 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 10.11.2023

**on the conditions for classification, without testing, of solid wood panelling and cladding
with regard to their reaction to fire and amending Decision 2006/213/EC**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC¹ contains an empowerment of the Commission to adopt delegated acts to establish classes of performance in relation to the essential characteristics of construction products. The Regulation also provides that the manufacturers of construction products should not be subjected to unnecessary administrative burdens or costs. Notably, as foreseen in Article 28 of Regulation (EU) No 305/2011, the Commission should choose the least onerous system for assessment and verification of constancy of performance, which still could serve appropriately the needs of health, safety and environment.

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 as foreseen in Article 27(5) and Article 36(1)(a) of Regulation (EU) No 305/2011. This simplified procedure further reduces administrative burdens and costs for manufacturers. Commission Decision 2006/213/EC² already established classes of the reaction to fire performance for solid wood panelling and cladding. Table 2 of Annex to that Decision presented the necessary conditions for classification without need for further testing for these products. In that table, the product detail referred to is “Wood pieces with or without tongue and groove and with or without profiled surface” and “Wood pieces mounted on a support frame”. Thereby, the current table does not explicitly specify that the proven stable and predictable performance concerning the reaction to fire of those products is, under the set conditions, only guaranteed for untreated wood pieces.

However, it has been clarified, as also supported by the relevant Technical Committee of CEN³ and the Guidance of the Group of Notified Bodies⁴, that Table 2 of Annex to Commission Decision 2006/213/EC is to be applied only to untreated⁵ solid wood panelling and cladding. The experience and expertise, as well as expert group consultations carried out, have confirmed that, under the set conditions, solid wood panelling and cladding has a stable and predictable performance concerning reaction to fire only when the solid wood pieces are untreated.

For the sake of legal certainty and uniform application of law, that condition should be explicitly specified in the classification act. Table 2 of Annex to Decision 2006/213/EC should thus be deleted and Annex to this Regulation applied instead.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft Regulation was discussed firstly in the meeting of the Advisory Group on Construction Products⁶ on 21 November 2022 and submitted for a written consultation of

¹ OJ L 88, 4.4.2011, p. 5.

² OJ L 79, 16.3.2006, p. 27.

³ CEN/TC175 “Round and sawn timber” WG 38.

⁴ Group of Notified Bodies – CPR Guidance Base Item 0272.

⁵ Kiln dried wood shall be considered untreated.

⁶ Code E01329 in the Register of Commission Expert Groups and Other Similar Entities.

experts between 22 November and 28 November 2022. It was also discussed in the meeting of the Advisory Group on Construction Products 15 February 2023. Before these steps, all Member States were presented an opportunity to nominate experts to participate in them. In addition to these experts, also other external stakeholders were consulted. The documents discussed in the Advisory Group on Construction products, 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 in these contexts have been taken into account when preparing the final draft version of this act for the inter-service consultation.

It was published for public feedback on the Better Regulation Portal from 24 April to 22 May 2023. According to the comments received, the entry into force was delayed ensuring companies, in particular micro and small enterprises have time enough to verify any possible impact in their activities. An additional clarification was included in the table to ensure that the word stairs is understood as applying only to staircase risers.

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. 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.

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 Regulation (EU) No 305/2011.

The European classification system established by Commission Delegated Regulation (EU) 2016/364⁷, regarding the reaction to fire of construction products, in particular Table 1 of its Annex, is applicable to solid wood panelling and cladding.

According to the expertise and expert group consultations carried out, the reaction to fire performance of solid wood panelling and cladding, within the classification provided for Delegated Regulation (EU) 2016/364, is well established when the solid wood is untreated⁸. For this reason, the reaction to fire performance of these products can be deemed, without the need for any further testing, to achieve a certain class of performance, as defined in the European classification system mentioned above.

The delegated Regulation conforms to the principle of proportionality, since adopting a delegated act is the most efficient way to achieve the desired outcome, the alleviation of administrative burdens, while continuing to guarantee legal certainty. It results in alleviating administrative obligations for market actors otherwise to be complied with under Regulation (EU) 305/2011, concerning the testing of products under its scope.

⁷ OJ L 68, 15.3.2016, p. 4.

⁸ Kiln dried wood shall be considered untreated.

COMMISSION DELEGATED REGULATION (EU) .../...

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on the conditions for classification, without testing, of solid wood panelling and cladding with regard to their reaction to fire and amending Decision 2006/213/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC¹, and in particular Article 27(5), first subparagraph, thereof,

Whereas:

- (1) A system for classifying the performance of construction products with regard to their reaction to fire was adopted in Commission Delegated Regulation (EU) 2016/364². Solid wood panelling and cladding are among the construction products to which that Delegated Regulation applies.
- (2) Table 2 to the Annex to Commission Decision 2006/213/EC³ established classes of the reaction to fire performance for solid wood panelling and cladding. The conditions set out in that Decision for those products need to be clarified so as to explicitly limit its application only to untreated wood.
- (3) Tests have shown solid wood panelling and cladding to have a stable and predictable performance in terms of reaction to fire provided that they meet certain conditions regarding the minimum mean density of the wood, the minimum thickness of the profile and the end-use of the product, and that wood is not subject to any kind of treatment other than kiln drying.
- (4) Solid wood panelling and cladding should therefore be deemed to satisfy a certain class of performance for reaction to fire established in Delegated Regulation (EU) 2016/364 under all those conditions without further testing being required.
- (5) For the sake of legal certainty, Table 2 of Annex to Decision 2006/213/EC should be deleted and replaced by the Annex to this Regulation for solid wood panelling and cladding.

¹ OJ L 88, 4.4.2011, p. 5.

² Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 on the classification of the reaction to fire performance of construction products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 68, 15.3.2016, p. 4).

³ Commission Decision 2006/213/EC of 6 March 2006 establishing the classes of reaction-to-fire performance for certain construction products as regards wood flooring and solid wood panelling and cladding (OJ L 79, 16.3.2006, p. 27).

- (6) In order to provide manufacturers, in particular small and micro enterprises, sufficient time to assess the effect of this Regulation in their activities, the entry into force of this Regulation should be ninety days after its publication.

HAS ADOPTED THIS REGULATION:

Article 1

Solid wood panelling and cladding which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing.

Article 2

Table 2, including figures (a) and (b), of the Annex to Decision 2006/213/EC is deleted and replaced by the table, and figures (a) and (b), set out in the Annex.

References to Table 2, and figures (a) and (b), of the Annex to Decision 2006/213/EC shall be construed as references to the table and figures set out in the Annex.

Article 3

This Regulation shall enter into force on the ninetieth 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, 10.11.2023

For the Commission
The President
Ursula VON DER LEYEN



Brussels, **XXX**
[...](2023) **XXX** draft

ANNEX

ANNEX

to the

Commission Delegated Regulation (EU) .../... of XXX

**on the conditions for classification, without testing, of solid wood panelling and cladding
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ANNEX

Product ⁽¹¹⁾	Product detail ⁽⁵⁾	Minimum mean density ⁽⁶⁾ (kg/m ³)	Minimum thicknesses, total/ minimum ⁽⁷⁾ (mm)	End-use condition ⁽⁴⁾	Class ⁽³⁾
Panelling and cladding ⁽¹⁾	Untreated wood pieces with or without tongue and groove and with or without profiled surface	390	9/6	Without air gap or with closed air gap behind	D - s2, d2
			12/8		D - s2, d0
Panelling and cladding ⁽²⁾	Untreated wood pieces with or without tongue and groove and with or without profiled surface	390	9/6	With open air gap ≤ 20 mm behind	D - s2, d0
			18/12	Without air gap or with open air gap behind	
Wood ribbon elements ⁽⁸⁾	Untreated wood pieces mounted on a support frame ⁽⁹⁾	390	18	Surrounded by open air on all sides ⁽¹⁰⁾	D - s2, d0

⁽¹⁾ Mounted mechanically on a wood batten support frame, with the gap closed or filled with a substrate of at least class A2 - s1, d0 with minimum density of 10 kg/m³ or filled with a substrate of cellulose insulation material of at least class E and with or without a vapour barrier behind. The wood product shall be designed to be mounted without open joints.

⁽²⁾ Mounted mechanically on a wood batten support frame, with or without an open air gap behind. The wood product shall be designed to be mounted without open joints.

⁽³⁾ Class as provided for in Table 1 of Annex to Commission Delegated Regulation (EU) 2016/364.

⁽⁴⁾ An open air gap may include possibility for ventilation behind the product, while a closed air gap will exclude such ventilation. The substrate behind the air gap must be of at least class A2 - s1, d0 with a minimum density of 10 kg/m³. Behind a closed air gap of maximum 20 mm and with vertical wood pieces, the substrate may be of at least class D - s2, d0.

⁽⁵⁾ Joints include all types of joints e.g., butt joints and tongue and groove joints; Untreated wood is a wooden material that was not coated and was not subject to any kind of treatment other than kiln drying (physical, chemical, impregnation, or other treatments).

⁽⁶⁾ Conditioned according to EN 13238.

⁽⁷⁾ As illustrated in Figure a. Profiled area of the exposed side of the panel not more than 20 % of the plane area, or 25 % if measured at both exposed and unexposed side of the panel. For butt joints, the larger thickness applies at the joint interface.

⁽⁸⁾ Rectangular wood pieces, with or without rounded corners, mounted horizontally or vertically on a support frame and surrounded by air on all sides, mainly used close to other building elements, both in interior and exterior applications.

⁽⁹⁾ Maximum exposed area (all sides of rectangular wood pieces and wood support frame) not more than 110 % of the total plane area, see Figure b.

⁽¹⁰⁾ Other building elements closer than 100 mm from the wood ribbon element (excluding its support frame) must be of at least class A2 - s1, d0, at distances 100 - 300 mm of at least class B - s1, d0 and at distances more than 300 mm of at least class D - s2, d0.

⁽¹¹⁾ Applies also to stairs.

Figure a

Profiles for solid wood panelling and cladding

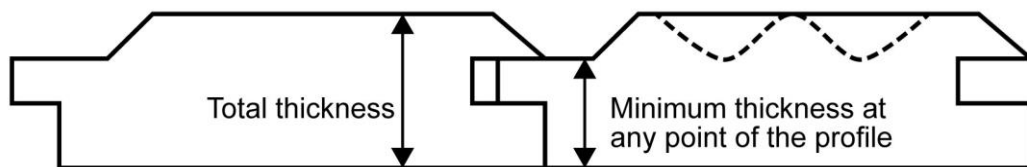
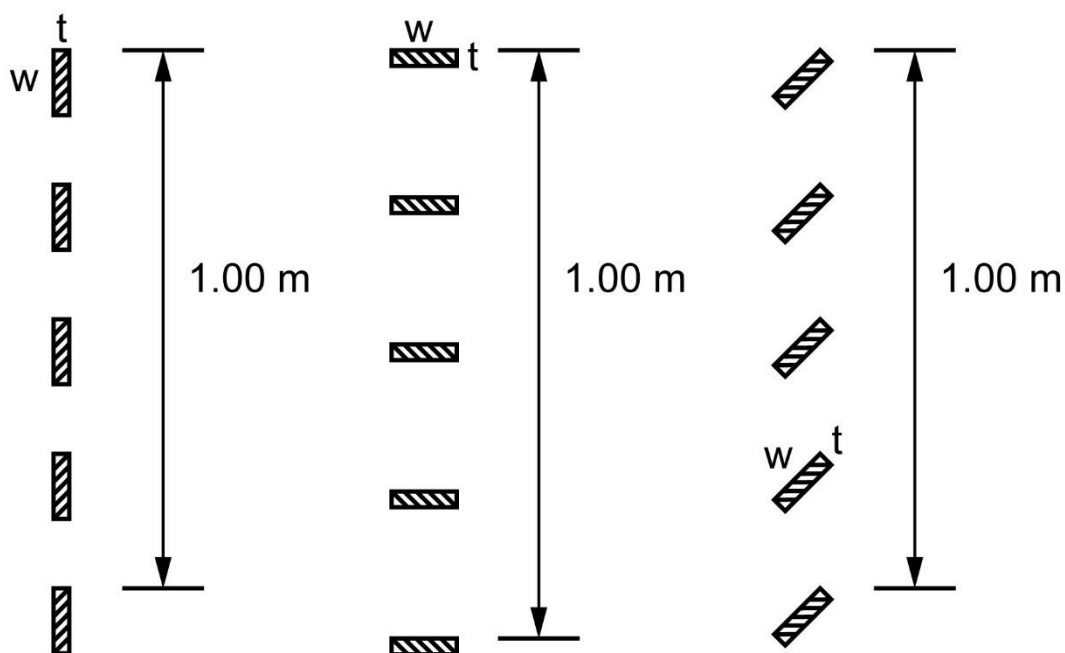


Figure b

Maximum exposed area of wood ribbon element $2n(t + w) + a \leq 1,10$



- n = number of wood pieces per meter
- t = thickness of each wood piece, in meter
- w = width of each wood piece, in meter
- a = exposed area of wood support frame (if any), in m², per m² of wood ribbon element