

Briefing

German EU Council Presidency - Construction Products Regulation Informal meeting of the Working Party Technical Harmonisation (Construction Products) on October 8th, 2020

The Impact of the Construction Products Regulation on Standardisation in the active Fire Safety industry

Euralarm, representing the European industry and trade associations in the field of electronic fire safety and security, supports the objectives of the European Single Market¹ with removal of trade barriers for products and services. Since 1970, our association has worked hard to represent the interests of the electronic fire safety industry in the areas of standardisation development and legislation.

From the perspective of Euralarm, it is of grave concern that developments stemming from the strict implementation of the Construction Products Regulation are threatening the ability of our members to provide reliable active fire safety solutions² to the European market. Although the impact has not been felt by the market yet, the path outlined at this time will inevitably lead to negative consequences.

Key Messages

The following key messages of the meeting on October 8th, 2020 are particularly pertinent to active fire safety industry and this paper serves to exemplify how this is so:

1. The existing, well established standardisation processes must continue to be defined by the stakeholders in association with CEN. A shift away will hurt the European market and create a divide to the Export market.
2. A revision of the CPR is necessary, but crucial in the short-term is the need for a solution for the publication of new and revised standards to meet the expectations and requirements of the market.
3. When revising the CPR, distinctions between construction products must be considered, for example unfinished goods, intermediate goods, and complex technologies. Different approaches that support the central purpose of the free movement of products must be possible.

¹ "The single market refers to the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services." (https://ec.europa.eu/growth/single-market_en)

² This covers electronic fire detection and alarm, voice alarm/evacuation, fire suppression/extinguishing, and smoke & heat management.

The importance of keeping European Standardisation

The European Standards Organisation CEN has for nearly 60 years provided the structure for the development and publication of technical standards. These are the basis for market participants to determine if products and services are meeting agreed expectations in function and performance. Our European standardisation has allowed our markets to evolve and grow, as well as taking a leading position in the international standardisation through close collaboration with for example ISO³. This has been made possible by the European Standards Organisations along with policy makers and legislators, who have defined the regulatory framework, particularly the New Legislative Framework.

Under these above described conditions, the fire safety industry has developed robust standards to ensure that buildings are reliably monitored for fire threats, and occupants can be protected through automated notification, evacuation, and suppression systems. These standards address the performance of the individual products, as well as, their mutual compatibility when combined to form systems. It is a combination of these standards with application standards which leads to functional and purpose-built solutions.

To be more specific, standards for the individual products such as smoke detectors fall under the CPR. The performance characteristics of these products are to a large extent identical⁴ across all of Europe thereby encouraging free trade of them across the region. A system compatibility standard outlines which products belong to which system. Finally, the design, installation, commissioning, and maintenance of a fire safety system is achieved through national standards⁵, which focus on the overall function in alignment with national and/or regional regulations. This arrangement has been developed over many years and has met the needs of stakeholders across the continent. The application standards would be meaningless without robust product standards.

The emerging interpretation of the CPR would have the fire safety industry re-write all product standards⁶ to align with what the European Commission is requesting. Consequently, the system standard and all the national application standards would have to be re-written. We estimate the time span for such an undertaking to be at best 10 years⁷. This would not be an effective use of resources and would certainly be met with significant resistance because of the unnecessary confusion and inconsistencies of such a transition.

³ The use of the Vienna and Frankfurt (former Dresden) Agreements have led to significant alignment between EN and ISO as well as IEC standards.

⁴ Territorial differences are addressed by the members of the respective Working Groups in CEN/TC 72 (Fire Detection and Fire Alarm) or CEN/TC 191 (Fire Fighting Equipment) by the principle of consensus.

⁵ Due to the Subsidiarity Principle, each Member State defines their national standards and guidelines for the design, installation, commissioning, verification, and maintenance of Fire detection and alarm systems.

⁶ Existing standards are the property of the European Standards Organisation resp. its members. Hence, these could not be simply transferred into the intended harmonised technical specification (HTS) as proposed by the European Commission.

⁷ As a comparison, the EN 50600 series for data centres has taken 11 years to write, and they are still not finished.

A short-term solution is needed for new and revised standards

The above framework has been hindered by the non-citation of candidate harmonised standards (hEN's), which in turn has now brought standards development to a halt. During the past 4 to 5 years, only two of the EN 54 hEN's⁸ have been cited in the EU Official Journal. There are a further six new candidate hEN's awaiting citation and, most frustratingly, a recent revision to the existing hEN for sounders has been repeatedly rejected for citation leading to confusion in the market.

Numerous delegates of the Euralarm Fire Section have worked closely with the responsible standardisation committee CEN/TC 72 and engaged with representatives from EU Commission DG GROW and CEN management. Euralarm and CEN/TC 72 experts have demonstrated patience and solution-orientation in finding a commonly acceptable resolution to the challenges faced by all parties under the imposed constraints. Despite those efforts, success has been out of our reach because it depends on a consistent (and pragmatic) interpretation of the current CPR which does not exist.

In the meantime, the EN 54 series is becoming out-dated. Revisions, updates, innovation and most certainly the effects of the digitalisation evolution are blocked. With the European Commission first looking to how the CPR should be re-worked, it will take at least 5 years⁹ before a new CPR is available. By then, European standards for electronic fire safety and fire extinguishing will be outdated by over 10 years. European manufacturers exporting fire safety products and systems will be penalised, while in parallel, non-European manufacturers will be able to rely on updated standards fitting technological developments.

The time calls for new measures and innovative approaches. As already outlined, the fire safety industry cannot wait until the CPR is revised, nor can it invest in re-writing every standard for its products and systems, and in addition go through re-design and re-certification of each product.

There are solutions such as the "Open Description Approach"¹⁰ pursued by TC72, that are worth review. Euralarm asks that the European Commission works together with CEN and our industry to review this and other viable proposals to realise a short-term solution to the continued non-citation of candidate hEN's. Without the pragmatic support of the European Commission together with CEN, no solution will succeed, and the consequences outlined above will be unavoidable. The damage to the industry would be irreparable.

⁸ The EN 54 standards cover fire detection, fire alarm, voice alarm and the application of these products. Sixteen of the EN 54 standards are cited by the Commission as harmonised ENs (hEN's) under the CPR.

⁹ In 2024, the next EU elections will take place, which imminently will delay the CPR review process.

¹⁰ The Open Descriptions (OD) approach offers a practical solution, believed to be compatible with the current CPR, using multi-criterion "descriptions" to express the expected performance of EN 54 products rather than defining mandatory baseline requirements (as is the case in the current hENs prepared under the CPD). Further details are available from TC72 – for example N3077 provides a 5 slide summary, prepared for the commission following a workshop in November 2018. The approach has since been exemplified in prEN 54-29 (see N3289)

A new CPR must take a more holistic view of Construction Products

There is a very wide range of building products that fall under the scope of the CPR covering gravel, asphalt, windows, doors, facades, cabling, and complex building technologies like fire detection systems. All these products must meet the same requirements defined within the CPR, and yet the scope above demonstrates how very different they are. It would seem logical that the CPR should define a framework that supports its objectives, while also acknowledging these differences.

For many construction products, the system of Assessment and Verification of Constancy of Performance (AVCP) does not necessarily involve a notified body. However, fire protection systems and equipment are third party tested against European standards and certificated before being “placed on the market”.

A position paper¹¹ of our member ZVEI published April 2018 and June 2020, has been received by the European Commission. Amongst other statements, it outlines aspects not found in other construction products:

- a. The fitness for use of an installation (such as a fire alarm system or individual construction products forming part of a fire alarm system) is dependent upon the attainment of certain product characteristics.
- b. In contrast to the situation for other construction products, the construction products to which we refer here are often subject to a number of further items of European product legislation such as the 2014/35/EU Low-voltage Directive, 2014/53/EU Radio Equipment Directive, 2014/30/EU Electromagnetic Compatibility Directive, and 2011/65/EU RoHS Directive, the requirements of which include the production of an EU declaration of conformity, and CE marking.

This paper provides several possible solutions to explore. Euralarm asks that the European Commission works together with CEN and our industry to discuss these proposals and come to a common understanding and a common way forward within a foreseeable time frame.

¹¹ “Concerning the consultation procedure regarding EU rules governing construction products employed in building construction and infrastructure works” (ZVEI, 17 June 2020)

Summary

The European fire safety industry strives for a professional, innovative, and transparent market to deliver products, systems, and services with a high level of quality, performance, and lifetime dependability, for the benefit of Europe's society and economy.

The significant negative consequences have been illustrated for the fire safety industry – and for the markets it serves – under the European Commission's present interpretation of both the CPR and the European standardisation processes. Our industry is at great risk if this is not corrected. Our readiness to find commonly acceptable solutions has been clearly expressed.

As outlined at the beginning of this briefing, these are our key messages:

1. The existing, well established standardisation processes must continue to be defined by the stakeholders in association with CEN.
2. A revision of the CPR is necessary, but crucial in the short-term is the need for a solution for the publication of new and revised standards under the current CPR.
3. When revising the CPR, distinctions between construction products must be considered.

Closing Statements

In closing, Euralarm takes this opportunity to make two references:

1. The recent report¹² from MEP Christian Doleschal to IMCO, underlines the recognition for an urgent resolution on the backlog:

"Urgently calls on the Commission to find a quick and viable solution to improve the standardisation processes and remove the backlog of non-cited standards; supports, in this regard, a combination of short-term measures to tackle the backlog alongside long-term measures to improve the process of defining the common technical language;"

Euralarm welcomes and endorses this clear statement for helping to realise a short-term solution and addressing the backlog of non-cited standards.

¹² https://www.europarl.europa.eu/doceo/document/IMCO-PR-65586o_EN.pdf (Page 4 / Item 7)

2. In the Commission document "Refined indicative options for the review of the Construction Products Regulation", the following passage gives cause for concern:

„In the view of the Commission, harmonised standards suffer from a lack of translations, contain imprecise normative references, have de facto little involvement of authorities and stakeholders other than industry, have weak or absent democratic legitimisation, have a high risk of deviation from legal requirements (e.g. giving leeway to economic operators not foreseen in law), contain a mixture of requirements that are necessary for the respective regulation and others that are not ("superfluous" ones), contain requirements which give privileges to certain manufacturers and keep out of the market others, have an SME underrepresentation and have no possibility for authorities to step in when CEN does not deliver. The Commission also believes that the refusal of CEN to establish internal legal control might be due to CEN's strategic preference for ISO alignment versus EU regulatory alignment. "

Euralarm rejects this statement, not only because it generalises, but because the statements do not reflect what we have done and accomplished and with whom.

The fire safety industry works very close with authorities and stakeholders to meet the diverse requirements. Further, approximately 95% of the companies providing products, systems, solutions, and services are small- and medium-sized enterprises. Euralarm represents these companies. Lastly, the disrupted communication between the European Commission, specifically DG GROW, and CEN has been at the cost of not recognising the negative influences on the fire safety industry amongst others.

Euralarm encourages a constructive and productive dialogue with all stakeholders being at the table. We want to focus on preserving and developing what has worked well, and correct was has hindered us from moving forward. This is only possible in close cooperation with all stakeholders. Only together – meaning the European Commission, the European Standards Organisation CEN, the industry and other market stakeholders – will we be able to develop a way forward to strengthen the European market and its position in global markets.

About Euralarm

Euralarm represents the fire safety and security industry, providing leadership and expertise for industry, market, policy makers and standards bodies. Our members make society safer and secure through systems and services for fire detection and extinguishing, intrusion detection, access control, video monitoring, alarm transmission and alarm receiving centres. Founded in 1970, Euralarm represents over 5000 companies within the fire safety and security industry valued at 67 billion Euros. Euralarm members are national associations and individual companies from across Europe.

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