

Withdrawn and outdated standards

The Commission has encountered situations with withdrawn (and therefore “non-existing”) and outdated standards. In order to get a better picture about the situation, and in order to inform the way forward it has been considered important to consult the Advisory Group. This consultation will inform the Commission in deciding what kind action to take in these situations. No decision has been taken on the action to be taken at this point in time. Decisions are, at the earliest, to be expected for September.

The following presents the three most common situations. Annex to this document will provide some concrete examples identified by Member States’ authorities.

1. Standards listed in the Official Journal of the EU (OJEU) but withdrawn by the European Standardisation Organisation (CEN)

Situation:

- Under the Construction Product Regulation the determination of the content and the decision on the adoption and withdrawal of harmonised standards is a prerogative of CEN.
- Citation of a standard cannot happen in the OJEU before the said standard has been approved in CEN.
- When standard has been withdrawn by CEN the basis for its citation in the OJEU has ceased to exist, together with the withdrawal of the standard.

Possible action:

- Commission, Member States, stakeholders and CEN will review the situation on a case-by-case basis taking into consideration issues related to the withdrawn standard, e.g. safety of the citizens, accessibility of the said standard, etc.
- Harmonised standards that have been withdrawn by CEN and entail safety or non-accessibility issues must be “delisted” from the OJEU, with the consequence that covered construction products cannot be CE-marked any more, and economic operators are invited to apply mutual recognition principle when trading across borders.
- For those harmonised standards which have been withdrawn by CEN and which do not entail safety nor accessibility issues, the Commission may informally request CEN to reinstate the said standard. If CEN agrees to reinstate the standard its citation will stay in the OJEU, if CEN does not agree to reinstate the standard, the said standard will be “delisted” from the OJEU.
- After the initial internal consultation, the likely procedure to follow in order to “delist” a cited standard is that of the formal objection procedure.
- Member States may also initiate a formal objection procedure.

2. Technically obsolete standards listed in the OJEU whose new version cannot be listed because of non-compliance with CPR

Situation:

- Performance of products within the scope of harmonised standard can be assessed and their performance can be declared by using the methods in the “old” standard. However, this does not represent the state-of-the-art potentially available for the market.
- In the marketplace, clients can require products to comply with the “new” standard in calls for tender, contracts etc. At the same time, the DoPs and consequently the CE marking must be based on the “old” standard.
- Built environment (and related economic operators) may not be able to benefit from enhanced content included in the “new” standard while the harmonised standard stays with the citation.
- Use of “old” standard is likely to slow down innovation and development of better products the “new” standard could provide for.

Possible action:

Assessment of the difference of the level of the technical development between the “new” and “old” standard has to be made on a case-by-case basis, and the differences have to be classified as “significant” (e.g. improved safety of citizens, acceptance criteria in the Member States, application of new technologies, etc.) or “non-significant”.

- The distinction between “significant” and “non-significant” difference in the technical content of a standard is made by the Commission in close collaboration with the Member States and in consultation with the stakeholders.
- In the case of significant differences the “old harmonised standard” will be “delisted”. The products covered by the standard cannot be CE marked anymore, and the market operators are invited to apply mutual recognition when trading across borders. In the context of a normal standard revision the “new revised standard” would need to be made CPR compliant in order to ensure its citation.
- In the case of non-significant differences, the citation of “old harmonised standard” can stay, and in the context of a normal standard revision the “new revised standard” would need to be made CPR compliant in order to ensure its citation.
- After the initial internal consultation, the likely procedure to follow in order to “delist” a cited standard is that of the formal objection procedure.
- Member States may also initiate a formal objection procedure.

3. Standards listed in OJEU contain references to withdrawn or obsolete standards.

Situation:

- This covers cases in which cited standards have references to standards which do not exist anymore (e.g. due to merger of several standards resulting in renumbering or due to withdrawal).
- Legal clarity and (potentially) access to standards and thus access to legally mandatory provisions is compromised.

Possible action:

Depending on the quality and the revision of the standard (CPR compliance of the revised standard and speed of revision), either by corrigendum or by amendment:

- The harmonised standard is otherwise compliant with the CPR and, by commitment of CEN, the erroneous references are (likely to be) corrected within 18 months after their identification by a corrigendum or an amendment.
=> The harmonised standard remains listed.
- The harmonised standard is not compliant with the CPR, but the corrigendum or amendment replaces only the faulty references to ENs by correct ones, within 12 months after their identification, without any changes to the technical content of the referred clauses.
=> The harmonised standard remains listed.
- The harmonised standard is not compliant with the CPR and an amendment or a corrigendum entails also technical changes to the referred clauses without remedying the non-compliance.
=> The harmonised standard is "delisted".

4. Next steps.

According to our initial review we have identified about 90 standards that are at the moment likely to fall under case 2 above. Some of these standards are also candidates for case 1. In order to create a full picture we propose following approach:

- a) The Commission prepares a list of standards relevant to three situations described above. Member States and stakeholders are invited to contribute and signal any such cases to the Commission in order to facilitate the review.
- b) Once the list is prepared the Commission will circulate it back to the AG for corrections and additions.
- c) The summary of the analysis will be presented in the AG of September, and the implementation of it will start.

Annex: A few examples of problematic standard citations

EN 12004:2007+A1:2012 Adhesives for tiles - Requirements, evaluation of conformity, classification and designation

Communication from the Slovak Republic (*case 1 above*).

"Some of the harmonised standards are currently repealed by the European Committee for Standardisation (hereinafter referred to as "CEN") and replaced by new standards, but these are not listed in the OJ EU.

As an example, we will mention a group of products – mortars and adhesives for interior and exterior tiles covered by harmonised European Standard EN 12004: 2007 + A1: 2012 Adhesives for tiles. Requirements, evaluation of conformity, classification and designation, issued on 31.12.2012 (repealed on 30 November 2018), published in OJ EU. It follows from the above that in the declaration of performance and CE marking the standard should be published in the OJ EU, namely EN 12004 + A1: 2012, although it is already replaced by the new standard EN 12004-1: 2017."

EN 16034:2014 - Pedestrian doorsets, industrial, commercial, garage doors and openable windows - Product standard, performance characteristics - Fire resisting and/or smoke control characteristics

Communication from the Republic of Bulgaria (*case 2 above*).

"In relation to the expiry of the transitional period and the entry into force of the harmonised standard EN 16034:2014 some questions arise for its implementation. The current normative base is as follow:

- 1. To determine the essential characteristic "**Durability of self-closing**" for industrial, commercial and garage doors EN 16034 in paragraph 5.4.2 determine a test method according to EN 12605;*
- 2. In 2017 CEN publish a new standard EN 12604:2017 which according to **the European foreword**:*
 - Supersedes EN 12604:2000 and EN 12605:2000;*
 - Merged with EN 12605 as EN 12605:2000 will be withdrawn (the transitional period has already expired and EN 12605:2000 is withdrawn);*
 - Limit the scope to manually operated doors;*
 - Cancel the relationships to Regulation (EU) 305/2011 and Machinery Directive 2006/42/EC (Annex ZA and ZB deleted).*
- 3. There is no other acting standard that defines a method of testing for the essential characteristic "Durability of self-closing".*

Given the situation described above as well the essential characteristic "Durability of self-closing" is required when the door is used in fire barriers, the questions raised are as follow:

- 1. Can producers define the characteristic using the withdrawn EN 12605 as defined in the harmonized standard EN 16034:2014?*
- 2. Should we accept DOP for industrial, commercial and garage doors wich include the defined class of Durability of self-closing or consider that it is not defined in a harmonised way and cannot be included in the DOP?*

We think that it is important to have a unified approach so that we do not hamper manufacturers of industrial, commercial and garage doors. In this regard, please inform us of your opinion and available practice for marketing these products after the entry into force of the EN 16034:2014.

EN 1090-1:2009+A1:2011 Execution of steel structures and aluminium structures - Part 1: Requirements for conformity assessment of structural components

Communication from the Czech Republic (case 3 above).

"I would like to raise a question concerning standards EN 1090-1, -2, -4, -5. I was informed by our Czech Notified Bodies that certain problems have raised since the new version of EN 1090-2 was adopted in 2018. The main problem is that EN 1090-1:2009+A1:2011 (a hEN which serves as a basis for the certification) refers only to EN 1090-2+A1 which was replaced by EN 1090-2, and does not refer to the newly created EN 1090-4 and EN 1090-5 as well.

Production of steel structures from thin-walled profiles was moved under EN 1090-4:2018 to which the hEN 1090-1:2009+A1:2018 does not refer; manufacturers of structures made from these profiles are holding certificates with reference to EN 1090-2:2008+A1:2011 which is no longer valid.

A similar problem is with steel structures joined by cold riveting (one-sided rivets) or by self-drilling screws - these joining methods were also moved to the new EN 1090-4:2018, whilst the new EN 1090-2:2018 does not refer to this standard.

The same problem is with aluminum structures for which the new EN 1090-5:2018 had been issued, also without a reference in the hEN 1090-1+A1.

Unfortunately, a solution cannot be found at one Member State level only."