



Brussels, **XXX**
[...](2016) **XXX** Draft

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

of XXX

**on the power operated pedestrian doors, pedestrian doorsets, other than swing type,
initially designed for installation with power operation without resistance to fire and
smoke leakage characteristics under EN 16361**

(Text with EEA relevance)

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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 harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC¹, acknowledges two main alternatives to establish classes of performance in relation to the essential characteristics of construction products. According to Articles 27(1) and 60(f), this can be done by delegated acts of the Commission, whereas Article 27(2) allows for the use of harmonised standards for this purpose, on the basis of a revised mandate. In accordance with Article 27(2), first subparagraph, where the Commission has established such classes, the European standardisation bodies shall use those classes in harmonised standards.

According to the definition comprised in Article 2(7) of Regulation (EU) No 305/2011, “class” means a range of levels, delimited by a minimum and a maximum value, of performance of a construction product. Classes in Regulation (EU) No 305/2011 are thus always expressing a given range of determined performance of the product.

Moreover, Regulation (EU) No 305/2011 does not distinguish, unlike its predecessor Council Directive 89/106/EEC, different kinds of classes, depending on their origin. Classes of performance established by the Commission and such classes established by the European standardisation bodies are thus to be acknowledged and respected quite in the same manner.

Furthermore, the whole classification of performance would need to be defined open-ended, entailing all possible levels of performance in relation to a given essential characteristic for the products covered by the standard in question. Otherwise, also a threshold level for such performance would be established at the same time. Nevertheless, also a combination of a partial classification and the declaration of levels of performance could be envisaged.

The European product standard EN 16361 on the power operated pedestrian doors, pedestrian doorsets, other than swing type, initially designed for installation with power operation without resistance to fire and smoke leakage characteristics, was adopted by European Committee for Standardisation (CEN) in December 2013. It contains classifications for the performance of the products covered by it notably in relation to two of its essential characteristics, resistance to wind load, and air permeability, both of them with four classes of performance introduced.

The two classifications in question differ from those previously introduced in the harmonised product standard EN 14351-1, which covers windows and all types of manually operated external pedestrian doorsets, apart from revolving ones. The said classifications originate from the harmonised European standards EN 12210 and EN 12207, both developed primarily for being used for windows. According to the available information, the existing classifications are not appropriately addressing the needs for power operated pedestrian doorsets other than swing types, such as power operated sliding, folding, balanced and revolving pedestrian doorsets, due to the substantial difference of the products dealt with by the two standards. Power operated pedestrian doorsets other than swing type present a different construction because they need to be able to move and cannot be construed too tight to their frame.

Therefore, the classifications introduced in the standard EN 16361 in relation to resistance to wind load and air permeability have been established based on the evidence gathered and the test results compiled specifically for the products in question. They represent the full performance range of these products, for which the performance in relation to either

¹ OJ L 88, 4.4.2011, p. 5.

resistance to wind load, or air permeability, does not customarily reach as high levels as for other kinds of doors.

Furthermore, certain products covered by the standard EN 16361 would not belong under the most frequently appearing classes for performance in question, presented in EN 16361 with symbols PPD1 and PPD2 for both essential characteristics at hand. For these situations, it has been deemed necessary to adapt the customary concept of comprehensive classification, so as to ensure that the expressions of performance could address all information needs for these products.

Since under the application of Regulation (EU) No 305/2011 the introduction of such new classifications into a harmonised standard by the European standardisation bodies themselves would require the issuing of a new revised mandate, which has not taken place, it has been considered more opportune to proceed with this draft delegated Regulation.

It has not been considered appropriate to include other performance classifications contained in the standard EN 16361 within the scope of the draft Regulation, because pursuant to Regulation (EU) No 305/2011 such classifications comprised in harmonised standards, the reference to which has been published under Directive 89/106/EEC in the Official Journal of the European Union, are to be deemed applicable under Regulation (EU) No 305/2011 without any further actions necessitated.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

To be added subsequently

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 Articles 27(1) and 60(f), this can be done by delegated acts of the Commission. In accordance with Article 27(2), first subparagraph, where the Commission has established such classes, the European standardisation bodies shall use those classes in harmonised standards.

According to Article 2(7) of Regulation (EU) No 305/2011, “class” means a range of levels, delimited by a minimum and a maximum value, of performance of a construction product. Regulation (EU) No 305/2011 does not distinguish different kinds of classes. Classes of performance established by the Commission and such classes established by the European standardisation bodies are thus to be acknowledged and respected quite in the same manner.

Since under the application of Regulation (EU) No 305/2011 the introduction of new classifications of performance into harmonised standards by the European standardisation bodies themselves would require the issuing of new revised mandates, which has not taken place, it has been considered more opportune to proceed with this draft delegated Regulation.

For these reasons, the draft Regulation should be adopted to establish new classifications on the power operated pedestrian doors, pedestrian doorsets, other than swing type, initially designed for installation with power operation without resistance to fire and smoke leakage characteristics under the European standard EN 16361.

The draft Regulation conforms to the principle of proportionality. It results in alleviating certain difficulties caused by the impact of Regulation (EU) 305/2011 on the establishment of classification systems for the performance of construction products, and therefore can be assessed to benefit the whole European construction sector.

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

of **XXX**

on the power operated pedestrian doors, pedestrian doorsets, other than swing type, initially designed for installation with power operation without resistance to fire and smoke leakage characteristics under EN 16361

(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 harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC², and in particular Article 27(1) thereof,

Whereas:

(1) Pursuant to Article 27(1) of Regulation (EU) No 305/2011, the Commission may adopt delegated acts in accordance with Article 60(f), to establish classes of performance in relation to the essential characteristics of construction products.

(2) Where the Commission has not established such classes, according to Article 27(2) of Regulation (EU) No 305/2011 they may be established by the European standardisation bodies, but only on the basis of a revised mandate.

(3) The European product standard EN 16361 on the power operated pedestrian doors, pedestrian doorsets, other than swing type, initially designed for installation with power operation without resistance to fire and smoke leakage characteristics, contains classifications of performance concerning two of its essential characteristics, resistance to wind load and air permeability. These classifications represent a step forward for the consolidation of the internal market for the products in question.

(4) For these new classifications, a revised mandate has not been issued,

(5) Therefore, the draft Regulation should be adopted to establish these new classification systems to be used for products covered by EN 16361.

HAS ADOPTED THIS REGULATION:

Article 1

The performance of the power operated pedestrian doors, pedestrian doorsets, other than swing type, initially designed for installation with power operation without resistance to fire and smoke leakage characteristics, in relation to their essential characteristics resistance to wind load and air permeability, shall be classified in accordance with the classification systems set out in Tables 1 and 2 of the Annex.

² 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,

For the Commission
The President
 [...]

ANNEX

Table 1: Classes for resistance to wind load

Characteristic / Requirement [unit]	Proposed classes [range]
Test pressure P1 "value" [Pa] (actual test value lower than 200[Pa])	PPD0,value
Test pressure P1 200[Pa]	PPD1
Test pressure P1 300[Pa]	PPD2
Test pressure P1 "xxx" [Pa] (actual test value higher than 300[Pa])	PPD(xxx)

Table 2: Classes for air permeability

Characteristic: air permeability related to overall area / Requirement [unit]	Proposed classes [range]
Reference air permeability: -- (100Pa)x(m3/h x m) Max test pressure: <150 [Pa] ("value" actual value lower than 150[Pa])	PPD0,value
Reference air permeability: 50 (100Pa)x(m3/h x m) Max test pressure: 150[Pa]	PPD1
Reference air permeability: 27 (100Pa)x(m3/h x m) Max test pressure: 300[Pa]	PPD2
Reference air permeability: -- (100Pa)x(m3/h x m) Max test pressure: >300[Pa] ("xxx" actual value higher than 300[Pa])	PPD(xxx)