

Rules applicable to the Technical Assessment Procedure and the Technical Application Document

In this document, the term 'Technical Assessment' refers to both the Technical Assessment and the Technical Application Document.

During its meeting of 29/11/2010, the commission responsible for issuing Technical Assessments confirmed the pertinence of the proposals made by CSTB to reduce the processing time of the application phase. The proposals include an explanation of some of the detailed practices concerning the Examiner and the Requester. The purpose of this document is to specify who should do what in each of the detailed actions comprising the procedure. This written explanation will serve as a support document for discussions between CSTB and the Requester during initial phases and exchanges. The Requester may obtain a copy if it is deemed necessary for their understanding of what is expected of them.

In this document:

- **Rapporteur** refers to the Specialised Group responsible for issuing the Assessment. While remaining accountable for the actions incumbent upon them, the Rapporteur may appoint an Examiner to act on their behalf at various stages of the procedure.
- **Examiner** refers to the party that examines the request and is appointed by the Rapporteur. The Examiner may be appointed by the Rapporteur to perform certain tasks on his behalf.
- **Requester** refers to the signatory of the request form, or the person appointed on this form as a representative for dealings with CSTB for the duration of the examination process.
- **Chairman** refers to the **Chairman** of the Specialised Group responsible for issuing the Assessment.

Reminder:

In compliance with the Rules and Procedures¹ and positions taken by the CCFAT², the application of the Technical Assessment procedure is defined as follows.

¹ General Directives: articles 1, 2, 3 and 4; and Rules: articles 2, 3, 4, 13, 14 and 15.

² Report of the CCFAT (commission responsible for issuing technical assessments), 10/7/2008

The Technical Assessment procedure consists of five successive phases:

- 1/ Initial contact and exchanges, resulting in the letter of acknowledgement,
- 2/ Gathering of technical evidence, resulting in the registration of the dossier and a letter declaring the “admissibility of evidence”,
- 3/ Examination phase, resulting in the draft Assessment and, as needed, a report submitted to the group shortly before it convenes,
- 4/ Finalization of the Assessment, resulting in the Assessment being submitted to the Chairman for his approval and signature.
- 5/ Publication, resulting in the registered Assessment being published on line.

This document specifies phases 1 - 3 above:

1/ Phase 1: Initial contact and exchange, preliminary technical examination on receipt of the letter of acknowledgement

Before following up a request and officially declaring its acknowledgment, the Rapporteur must be convinced that the procedure will be seen through to completion. Where this is not the case, the Rapporteur must organise a meeting with the Requester, which the Chairman and/or another expert may also attend to ensure that:

- 1.1 the field of application requested is explicitly defined,
- 1.2 any unconventional aspects of the process must be clearly listed and proven. The Requester is aware of their nature and the difficulties engendered by assessing the risks inherent to their presence. The Requester must be familiar with the essential requirements applicable to the works concerned. He is informed during this meeting of the precedents set by the SG (Specialised Group) in interpreting the essential requirements applicable to the works concerned. While discussing the list of unconventional aspects, the Rapporteur may take the opportunity to present the Requester with the list of evidence required for a favourable result, in light of the interpretation.
- 1.3 the technical sub-section of the dossier already contains key evidence. Any key evidence identified as missing at this stage must be provided within a maximum period of six months by the Requester, based on the human and financial resources the Requester is willing to commit in order to obtain such evidence.
- 1.4 the Requester understands the extent of the work required on his part to provide any further evidence necessary to assess the application, from the technical sub-section of the dossier through to the completed technical dossier for registration (**phase 2**). In particular, the Requester fully understands that the compilation of the dossier is entirely their own responsibility. They alone may gather the evidence and make decisions concerning the nature, quantity, pertinence and specificity. During this meeting, it is imperative that the Requester be informed that under no circumstances is the Examiner to determine which evidence to present, and that the Requester remains solely and

entirely, in charge of the dossier he is compiling. It is to be noted that the Requester must bear any and all costs of obtaining the evidence and consequently shall alone decide whether to present the evidence.

However, should the Requester so desire, he may receive advice from the Examiner concerning the finalization of the dossier as per article 3.2 of the general directives, and in particular the list of recommended evidence pertaining to the field of application. At this stage, it is important to distinguish 2 types of evidence:

- that which is deemed essential by the Rapporteur, pursuant to the regulations in force and the SG's interpretation of these essential requirements, and without which the dossier cannot be registered, as per article 3.2 of the procedure,
- that which is additionally recommended so that the Assessment may be issued without major restrictions resulting from notable uncertainties due to a lack of supporting evidence.

Nota Bene: Finding a compromise between the cost of this second type of evidence and the importance of providing it, in order for the Assessment to be obtained under the most favourable conditions, falls under the scope of studies beyond the Technical Assessment procedure; ID+ may be an upstream assessment adapted to finding this compromise.

1.5 the Requester possesses the technical expertise, either by his own means or via a third party agent designated and appointed by him, necessary to liaise with the Examiner as per phase 2. This means that the Requester or Agent working with the Examiner is an expert in the product but also, and especially, in the requirements applicable to the works concerned. The Requester must be warned that failure to meet this condition could lead to significant delays during the compilation phase of the dossier, which, by recommendation of the CCFAT, has been limited to six months since 10 July 2008.

1.6 payment and the completed and signed request form are present in the dossier.

The decisions resulting from this meeting are summarised in a report which the Rapporteur presents to the Assessment Requester as follows:

- If the Rapporteur deems that conditions stated above, points 1.1 to 1.6, are met, he informs the Requester that the latter will receive a written report of the meeting stating the positions upheld by the Rapporteur, along with a letter of acknowledgement.
- if the Rapporteur considers that the conditions above, points 1.1 to 1.6, are not met, he informs the Requester that the latter will receive a written report of the meeting indicating that the request has not been accepted: the payment is refunded, the request rejected as it stands and redirected towards another, less restrictive procedure adapted to the Requester's means and particular case (e.g. ATEX). It may also be suggested that the Requester re-submit his request at a later date, when the six aforementioned conditions have been met.

Nota Bene: The Technical Assessment secretariat may rightfully reject a request for consideration if it is not made in compliance with the submission procedure, based on the observations made by the Specialised Group Rapporteur.

2/ Phase 2: The Requester compiles a dossier of evidence

The Examiner bears no responsibility during this phase, which is the exclusive responsibility of the Requester as indicated above in point 1.4. The Examiner provides advice which he deems useful to the finalization of the technical dossier, with particular attention to the list of evidence referred to in phase 1. Once this list of evidence has been assembled and the maximum waiting period of six months has passed, the Requester is informed that, in the absence of objections on the part of the Requester, the dossier, deemed admissible for examination, will be registered as it stands and that following this, no further evidence may be added. In the absence of any objection by the Requester, **the technical dossier will be registered.**

If the evidence is still unavailable after 6 months and the Requester confirms that the dossier must not be registered as it stands because the dossier is incomplete, the Rapporteur may terminate the procedure immediately. The Rapporteur will officially inform the Requester that the latter has failed to meet one of the commitments made during the preliminary meeting for the dossier's consideration. CSTB will refund 80% of the fee and notification of the procedure's termination will be made in writing.

Registration of the technical dossier:

Once registered, no further changes can be made by the Requester to the basic content of the technical elements of the dossier.

3/ Phase 3 Examination of the request for a Technical Assessment

During this phase, the Examiner must **validate or invalidate all of the evidence provided in the registered technical dossier, to the exclusion of all other evidence. The Examiner must then infer from the evidence a draft Technical Assessment, possibly accompanied by a presentation report.**

In principle, the Examiner must not accept any modification to the dossier while it is being examined!

If the Requester has forgotten to include some evidence that he deems useful and wishes to modify the data, he must be notified of the non-compliance with the procedure. The Examiner may accept the modification, if it does not delay the examination in any way, however, he is not obliged to do so.

If the modification is of a sensitive nature and increases or slows down the examination process, then it must be refused and a request for an addition will be recommended, as it may enable this evidence, too late for inclusion in the initial dossier, to be utilised. If the Requester confirms in writing that he wishes the initial dossier to be modified and refuses to continue the examination process unless the modification is taken into account, then the Examiner will halt the procedure. This written request shall be deemed a request for the dossier to be discarded under its current registered form. The Examiner will then terminate the procedure in progress and 40% of the fee will be refunded. The procedure may be reactivated under a new request with a revised technical dossier. The processing period will start again and full fees will have to be paid for a new Assessment.

The presentation document for the Specialised Group:

At the end of this phase a draft Technical Assessment will be written. This draft must be produced entirely by the Examiner including both the “Assessment” section and the “Technical Dossier Established by the Requester” (DTED) section. This second part is based on the indications supplied by the Requester in the technical dossier. The Examiner determines the degree of precision he wishes to provide in the (DTED). **The DTED is a short document of a few pages.** It must be sufficiently detailed for the reader of the Technical Assessment to easily identify any unconventional aspects in the procedure. It is not necessary to cover the conventional techniques of the dossier, except for the sake of information and clarity. However, it is important to cite the corresponding normative references. Likewise, it is not necessary to reproduce the test reports or the experiment references already provided, other than to cite the documents’ references.

Finally, the Technical Assessment should not read as a pseudo-marketing document for the product, nor should a detailed DTED represent a catalogue of the manufacturer’s range of products which would make the Technical Assessment too voluminous. The Examiner must decide the format of the document to be produced and ensure that it is legible and practical.

It should be noted that at the end of this phase, the Examiner must obtain the Requester’s approval of the DTED. This approval does not concern the format, but the accuracy of the draft DTED in relation to the technical reality of the dossier presented to CSTB for examination. Furthermore, it must contain any observations and remarks made by the Requester concerning the draft Technical Assessment and the presentation report. These remarks must be included in writing.

Small working group convened as needed during the examination phase:

Before the presentation of the dossier to the Specialised Group, the Chairman may decide to hold a session with a small working group to deliberate over cases for which precedents have been set by a plenary group pertaining to the criteria for examining the draft Assessments in question.

The advantage of this approach is that it significantly improves the effectiveness of these deliberations. The Chairman selects members of the working group and ensures that they have the technical expertise necessary to make a decision based on the pre-established and aforementioned criteria. Then, the working group’s proposed decision is communicated in plenary session and ratified by the plenary group, without debate, unless there is a detailed written dissent by a member of the Specialised Group.

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