

## Technical Experimentation Assessment (ATEX)

January 2019

### Rules

#### I – GENERAL

##### Article 1 – Purpose of the procedure

The *Technical Experimentation Assessment (ATEX)* procedure contributes to the development of innovations in construction by facilitating their access to experimental applications.

The ATEX is an assessment of innovative construction products, systems or techniques, established by experts under the aegis of CSTB, upon request by stakeholders to obtain a quick technical assessment.

This assessment may serve as a frame of reference for projects in light of a future Technical Appraisal.

The procedure applies to products and systems for which one or more of the following conditions is met:

- one of the products used is innovative;
- the method used for sizing the work is innovative;
- the execution of works is innovative;
- the objective-based regulatory framework allows for alternative solutions that are not described in the regulations themselves.

Depending on the circumstances, the following may be formulated:

**Case a ATEX:** Assessment of a product or system applicable to various worksites for a predetermined limited time;

**Case b ATEX:** Assessment of a specific project;

**Case c ATEX:** Assessment of use on a new experimental project of one or more techniques that have already received a favourable **case b ATEX**.

##### Article 2 – Characterisation of the procedure

Designed to promote both the development of innovations in practice and the execution of projects that may serve as a frame of reference for a Technical Appraisal, this procedure is not compulsory in any way.

It is open to all stakeholders: sponsors of innovation, clients, designers, contractors, technical inspectors and insurance companies.

##### Article 3 – Field of application

Specifically created to facilitate experimentation in practice, this procedure applies only to innovations that have been subject to sufficient study and development to justify the experimentation.

It is not applicable to public works.

#### II – ACCESS TO THE PROCEDURE

##### Article 4 – Contribution to assessment costs

The applicant shall cover the costs associated with the procedure, predetermined by CSTB on the basis of the rate scale approved by the Coordination Committee. Said rate scale does not cover any travel expenses or costs associated with preparatory meetings.

##### Article 5 – Submission of a request for a *Technical Experimental Assessment*

The applicant shall send CSTB a request for an **ATEX** specifying, in particular:

- the type of **ATEX** requested: **case a, b or c**;
- the characteristics of the product, system or technique that justify examination for an ATEX;
- the objective of the experimentation: either to perfect development or to provide a frame of reference in anticipation of a request for a Technical Appraisal;
- the nature and scope of the experimentation considered necessary (**case a**); the nature, scope and location of the relevant experimental project, in addition to the provisional schedule (**case b or c**);
- the names of the known stakeholders in the project: client, technical inspector, project manager, construction company, etc. (**case b or c**).

Additionally, the applicant shall include in its request a technical file consisting of the available evidence in light of which the request may be examined: test reports, design calculations, first references, prototypes, etc. Specifically for a **case c ATEX**: references to previous **case b or c ATEX** procedures and feedback provided during the experiments, in particular with regard to whether the conditions for favourable experimentation defined in said ATEX procedures were observed.

##### Article 6 – Admissibility of requests

An **ATEX** request shall be admissible if the following criteria are met:

- The system, product or technique subject to experimentation is innovative either in terms of the material or product (absence of a product standard), the design/calculation method (absence of a design standard) or the execution (absence of a Unified Code of Practice [*Document technique unifié - DTU*])
- The operating phase(s) necessitating the ATEX has (have) not been irreversibly implemented by the date scheduled for the Committee of Experts meeting (**case b and c**)

- There are similarities with the ATEX procedures serving as a frame of reference (**case c**)
- The insufficiency of worksite references does not constitute eligibility for the Technical Appraisal procedure (**case a**).

CSTB shall have a period of fifteen business days to confirm receipt and indicate whether or not the request is admissible. Notification of an admissible request shall be accompanied by an offer and the appointment of a rapporteur (Article 7).

#### **Article 7 – Appointment of the rapporteur and finalisation of the technical file**

CSTB shall appoint a rapporteur in charge of examining the ATEX request. The rapporteur shall be selected in accordance with criteria relating to expertise and proximity to the planned experimentation. They shall either be an expert in the relevant field (**case a**) or responsible for the technical supervision of the relevant worksite (**case b** or **c**). The rapporteur may be an expert from CSTB.

CSTB shall produce an offer corresponding to the assessment costs associated with the ATEX request. The applicant shall accept the offer and pay the fees for the procedure to CSTB and the rapporteur. The rapporteur shall inform CSTB once the applicant has paid the relevant costs. The request shall thereby be considered undertaken and half of the costs shall be retained by CSTB and the rapporteur.

Unless stipulated otherwise, the applicant's finalisation of the technical file must not exceed a period of six months or the period defined under the second admissibility clause.

If CSTB finds that said periods have not been observed, it shall be entitled to cancel the request.

### **III – EXAMINATION OF REQUESTS**

#### **Article 8 – The rapporteur's mission**

The rapporteur shall review the technical file, examine the prototype (where applicable) and familiarise themselves with the means of production.

They shall produce a concise report, covering the following points:

- worksite and operating safety,
- planned means of production and self-inspection,
- feasibility of the experimental application,
- potential damage analysis (durability, usage conditions and maintenance conditions),
- additional issues requiring clarification,
- ability of the product or system to comply with the regulatory requirements relating to the above points,
- conclusions subject to the opinion of the Committee of Experts, indicating whether the ATEX is to be issued for development applications or reference purposes.

In the event that one or more similar products exist, and for which a Technical Appraisal procedure has been conducted, the rapporteur's report shall take into account the provisions associated with the Technical Appraisal. In particular, the rapporteur shall highlight any points in respect of which evidence has not been provided in

accordance with the rules relating to Technical Appraisals.

#### **Article 9 – Duration of the examination**

Upon receipt of the file, the rapporteur shall have a period of one month to produce their report. Said period shall not include time that may be required in order to complete the file.

### **IV – FORMULATION OF TECHNICAL EXPERIMENTATION ASSESSMENTS**

#### **Article 10 – Committees of Experts**

Each request for a **case a** or **b** ATEX shall be examined by a Committee of Experts. CSTB shall examine requests for a **case c** ATEX in conjunction with the technical inspector for the operation, where applicable.

A minimum of three weeks before the Committee of Experts meeting, the following shall be invited:

- its chairperson (CSTB);
- its secretary (CSTB);
- five experts representing professional bodies (AIMCC, CSTB, COPREC, FFB and UNSFA);
- the rapporteur in charge of examining the request.

On an exceptional basis, the period of three weeks may be reduced, subject to CSTB agreeing that

- sufficient experts will attend the Committee meeting,
- they have duly received the files from the experts prior to said meeting.

In addition, the Committee may seek assistance from any specialist of its choosing.

In the event that a design office, laboratory or technical centre has provided design calculations or conducted tests on behalf of the applicant, the Committee may hear the representative(s) of said entities.

If the Committee considers that there is an insufficient collegiality of expertise at the time of the Committee meeting, due to a lack of attendance or contribution on the part of those invited, the chairperson may defer the formulation to a future Committee meeting.

#### **Article 11 – The Committee of Experts' missions**

The Committee of Experts shall hear the rapporteur on the following points:

- relevance of the innovation (**case a**), project and unconventional techniques employed (**case b**);
- compliance with safety regulations;
- feasibility of the experimental application;
- assessment of the probable durability and potential damage on the basis of the usage conditions and maintenance conditions;
- where applicable, ability of the product or system to comply with the objective-based regulatory requirements;
- additional issues to be clarified.

The Committee of Experts shall hear the author(s) of the innovation on the following points:

- premise of the innovation (technical/economic justifications),

- means of production,
- conditions of implementation,
- aim(s) of the limited applications for which the ATEEx has been requested,
- responses to any remaining issues raised.

The Committee of Experts shall deliberate and formulate the ATEEx with an overall conclusion that may be favourable, unfavourable or provisional with reservations.

For a **case a ATEEx**, the Committee shall set the ATEEx expiry date.

For a **case c ATEEx**, CSTB shall proceed with the deliberations and formulation on the basis of the Assessments serving as a frame of reference, of which it shall review the contents.

At this stage, the full costs paid shall be retained by CSTB and the rapporteur.

#### **Article 12 – Contents of the ATEEx**

The ATEEx must contain:

- the premise of the ATEEx request (for development and/or reference purposes),
- an assessment based on current knowledge pertaining to:
  1. safety,
  2. feasibility and/or probability of success,
  3. durability,
  4. the severity of duly foreseeable damage,
  5. the possibility of repair, if necessary,
  6. the ability of the product or system to comply with the regulatory requirements relating to points 1 to 5 above,

and, where applicable:

- "recommendations" of best practices to apply to the project for the ATEEx under consideration;
- "additional submissions" (Article 13);
- the ATEEx expiry date (**case a**).

This assessment shall result in an overall conclusion that may be either favourable or unfavourable.

#### **Article 13 – Reservations and additional submissions**

The assessment shall be formulated based on the current technical file.

It may be subject to reservations and additional submissions requiring additional evidence, of which the period for delivery, set by the Committee, must be compatible

- with the constraints of the relevant worksite, in the case of a case b or c ATEEx,
- with the timeframe for finalisation of the technical file, in the case of a case a ATEEx.

"Additional submissions" shall take the form of requests for expected additional evidence or specifications, falling under the expertise of current stakeholders and not requiring referral to the ATEEx Committee for validation. Project stakeholders are responsible for ensuring their provision.

"Reservations" shall take the form of requests for additional evidence or specifications which require the expertise of the ATEEx Committee for their withdrawal

(Article 14).

To be duly withdrawn, reservations and additional submissions must be formulated in an unambiguous and reasonable manner.

#### **Article 14 – Incorporation of points resulting in a conclusion with reservations**

Reservations may be made in the event that the provision of a body of evidence, in addition to that already contained in the file examined in session, is deemed necessary by the Committee of Experts in order to eliminate uncertainties with a deciding influence over the conclusion. Said additional evidence to be provided, together with criteria for the withdrawal of the corresponding reservations, shall be agreed in session in the presence of the applicant, in terms of both content and time frames. The applicant shall then be notified of all relevant information upon conclusion of the session.

The Committee of Experts shall indicate whether validation of the additional evidence provided shall fall under its responsibility or whether it may be validated solely by the rapporteur and CSTB.

Said validation shall precede a final assessment that may be either favourable or unfavourable.

This examination shall result in an additional charge invoiced by CSTB and the rapporteur, payable by the applicant.

In the event that the applicant disagrees with or fails to respond to the notification within 15 business days of its issuance, an unfavourable assessment shall be issued, ruling out the withdrawal of reservations.

#### **Article 15 – Time frame, form, recipient and limitation**

CSTB shall issue the ATEEx (see Article 16) within ten business days of

- receipt of the applicant's corrections to the technical file, where applicable (**case a ATEEx**),
- the meeting of the Committee of Experts (**favourable or unfavourable case b ATEEx**),
- examination of the additional evidence provided for the withdrawal of reservations (**case a and b ATEEx**),
- registration of the request (**case c ATEEx**).

If the conditions for withdrawal of the reservations or correction of the file (case a ATEEx) have not been met, CSTB may close the file.

The ATEEx shall be strictly limited to the experimental application specified therein and may contain restrictions in terms of validity and use.

#### **Article 16 – Issuance of the ATEEx**

CSTB shall send the ATEEx to the applicant, the members who attended the Committee of Experts meeting (**case a** or **b**) and the relevant technical inspector (**case b and c**). CSTB shall publish favourable case a ATEEx procedures on its website. In addition, favourable case b and case c ATEEx procedures may be published at the request of the applicant.

#### **Article 17 – Conditions for renewal**

For the purposes of promoting access to worksites for

innovative techniques, the ATE<sub>x</sub> must be limited in principle to a short period enabling the recipient to perfect the development of the product, system or technique and/or obtain sufficient feedback on which to base a more complete examination (such as a Technical Appraisal).

In general, a **case a ATE<sub>x</sub>** may not be extended. However, on account of the timeframes necessary for the implementation of a more complete examination, the Committee of Experts may agree to extend the ATE<sub>x</sub>, subject to verification thereby of the due implementation of past experimentations and the recipient's close involvement in the future examination.

A **case b ATE<sub>x</sub>** may be followed by one or more **case c ATE<sub>x</sub>** procedures. However, the accumulation of multiple ATE<sub>x</sub> procedures for the same product, system or technique must result in sufficient acquisition of information to undertake a more complete examination.

## VI – COORDINATION COMMITTEE

### Article 18 – Composition of the Coordination Committee

The Coordination Committee that oversees the ATE<sub>x</sub> procedure shall be composed of:

- the President of the AIMCC (or their representative),
- the President of the CAPEB (or their representative),
- the President of the COPREC (or their representative),
- the President of CSTB (or their representative), who shall chair the Coordination Committee,
- the President of the FFB (or their representative),
- an FFSA representative,
- a private contracting authority representative (FPI),
- a public contracting authority representative (USH),
- an architectural representative (UNSFA).

<b>AIMCC</b>	Association of Construction Product, Components and Equipment Industries
<b>CAPEB</b>	Confederation of Craftsmen and Small Building Firms
<b>COPREC</b>	Professional Committee of Third-Party Independent Bodies for Prevention and Technical Inspection
<b>CSTB</b>	Scientific and Technical Centre for Building
<b>FFB</b>	French Building Federation
<b>FFSA</b>	French Federation of Insurance Companies
<b>FPI</b>	French Federation of Real Estate Developers ( <i>Formerly FNPC</i> )
<b>USH</b>	Social Union for Housing
<b>UNSFA</b>	National Union of French Architects' Trade Unions

### Article 19 – Role of the Coordination Committee

The Coordination Committee shall:

- establish the Rules of the Procedure,
- define the scope of analysis of ATE<sub>x</sub> procedures,
- monitor the activities of the Committees of Experts,
- determine the pricing structure for contributions to assessment costs,
- examine applicant appeals.

In addition, it shall address any matter referred to it by its President or any one of its members.

### Article 20 – Coordination Committee protocol

The Coordination Committee shall convene on an annual basis in ordinary session, and in special sessions requested by its President or by three of its members.

The President of the Committee shall represent the Coordination Committee before all administrative, professional and private bodies.

## VII – APPEALS

### Article 21 – Admissibility

A request for appeal in response to an examination refusal (Article 5) or to the Assessment formulated by a Committee of Experts shall only be admissible if it is deemed that the procedure defined under these Rules has not been observed.

Said request, addressed to the President of the Coordination Committee, may only be submitted by the person(s) who requested the ATE<sub>x</sub>.

The admissibility or inadmissibility of the request for appeal shall be determined by CSTB within ten business days of receipt of said request.

### Article 22 – Examination

The request shall be examined by the Coordination Committee in a special session, after hearing both the chairperson and rapporteur of the relevant Committee of Experts and the applicant.

### Article 23 – Notification of the decision

The interested person shall be notified of the Coordination Committee's decision by its President or their representative within eight business days.

The decision may include:

- a rejection of the appeal,
- an acceptance of the request,
- a rectification of the Assessment,
- a referral to the Committee of Experts for further examination, and the appointment of a new rapporteur, where applicable.

The Committee of Experts' assessment may not be subject to a subsequent appeal.

## VIII – LIABILITY

### Article 24 – General statement

The ATE<sub>x</sub> is simply a technical opinion according to experts, formulated based on the current state of knowledge, based on the technical file produced by the applicant.

Given the very purpose of the procedure, neither the Committee of Experts, nor the rapporteur, nor CSTB may be held liable for errors that may result from the content of a technical file that may neither be verified nor completed.

### Article 25 – Liability to the applicant and to third parties

The ATE<sub>x</sub> does not include any guarantee from the Government or from the bodies responsible for producing it.

It does not release the applicant from liability.

It does not entitle the applicant to exclusive exploitation rights.

## IX – MISCELLANEOUS

### Article 26 – Relevance to the Technical Appraisal

The **ATEX** applies to experimentation with innovations for the purposes of perfecting their development and verifying their feasibility. In no way does it predict the conclusions of more complete examinations, such as a Technical Appraisal, of which the scope of analysis includes, among others, the performance of innovations in operation.

### Article 27 – Industrial and professional secrecy

The chairpersons, members and secretaries of the committees, as well as the staff on whom they call, shall be held to professional secrecy. In particular, they must keep confidential all information relating to a file, the content of an ATEX or the content of deliberations. Committee of Experts deliberations shall not be subject to reports.

### Article 28 – Agreements associated with the request

The submission of an ATEX request shall entail the applicant's agreement:

- with the Rules of the Procedure in effect at the time of the request; this document shall be included in the acknowledgment of receipt of the request,
- that stakeholders involved in the experimentation worksite(s) may share their observations with the Committee of Experts,
- that CSTB may inspect the experimentation worksite(s).

Additionally, for **case a ATEX** procedures, the applicant shall inform CSTB of all applications of its system as soon as they are scheduled, in order to enable supervision of the latter as deemed necessary.

### Article 29 – Disclosure

The beneficiary of an ATEX shall undertake:

- (1) to comply with the following communication rules:  
*"... (Specific denomination of the product or system covered by the ATEX)  
 Favourable or unfavourable ATEX a, b or c No. ... dated ... issued by CSTB for the operation ... (if case b or c ATEX) valid until ... (if case a ATEX)"*
- (2) not to reproduce or communicate said ATEX other than in full,
- (3) that no words such as "ATEX pending" may be used prior to formulation of the ATEX,
- (4) that the commercial name specified in the ATEX request form must be solely reserved for the system or product covered by the ATEX,
- (5) that no CSTB mark may be reproduced.

As the ATEX does not in any case constitute certification within the meaning of the French Consumer Code, the beneficiary of an ATEX is not authorised to reproduce any CSTB mark. Any such reproduction would erroneously give the impression that the product or system covered by the ATEX has been certified by CSTB. In this case, the beneficiary of an ATEX shall be liable to the penalties stipulated in Article L. 132-2 of the French Consumer

Code.

The beneficiary of an ATEX is informed that CSTB reserves the right to intervene in cases of incorrect, abusive or fraudulent use.