

Documents Governing the Technical Appraisal and Technical Application Document Procedure

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Decree of 21 March 2012

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Rules and Regulations Governing the Commission in Charge of Issuing Technical Appraisals and Technical Application Documents (CCFAT) dated April 2023

The publication of these documents governing the Technical Appraisal procedure replaces the documents published in October 2020.



<https://www.ccfat.fr/>

Commission Secretariat: CSTB - secretariat.at@cstb.fr

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FRENCH REPUBLIC

Ministry of Ecology, Sustainable
Development, Transportation, and
Housing

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Decree of 21 March 2012

regarding the Commission in Charge of Issuing Technical Appraisals and Technical Application Documents on systems, materials, elements, and equipment used in construction

NOR: DEVL1205280A

Publication in the Official Journal dated 25 March 2012

Relevant audience: Manufacturers of construction products for buildings.

Subject: Update to the regulatory framework for the Commission in Charge of Issuing Technical Appraisals.

Entry into force: The text shall come into force on 1 April 2012.

Note: The mission of the Commission in Charge of Issuing Technical Appraisals (hereinafter CCFAT) is to supervise the Technical Appraisal procedure, a technical assessment of products and systems used in building construction, which do not yet fall into the traditional domain.

Technical Appraisals are a voluntary process allowing manufacturers to verify that the product or system complies with regulations and provides for building a stable and durable structure. Technical Appraisals allow recipients to rely on an objective, recognised, collegial technical assessment even though such products or systems have not yet fallen within the traditional domain. This procedure provides for developing the use of innovative products and systems in construction.

For products covered by CE marking, the CCFAT may issue a Technical Appraisal in the form of a Technical Application Document.

References: this Decree has been issued pursuant to Article R.142-1 of the French Construction and Housing Code and may be viewed on the Legifrance website:

(<http://www.legifrance.gouv.fr>).

Ministry of Ecology, Sustainable Development, Transportation, and Housing,

Considering Directive 98/34/EC dated 22 June 1998 as amended, setting forth an informative procedure in the field of technical standards and regulations and rules regarding services in the information society, including Notification no. 2007/652/F;

Considering the French Construction and Housing Code, in particular Articles L.142-1 and R.142-1;

Considering Decree No. 92-647 dated 8 July 1992 as amended, regarding construction products' fitness for use;

Considering the Opinion of the Commissioner regarding simplification dated 1 February 2012;

It is hereby Ordered:

Art 1. - A Commission in Charge of Issuing Technical Appraisals and Technical Application Documents shall be constituted under the Minister responsible for Construction and Housing intended to provide stakeholders in construction with the data required for assessing how to design and construct structures using products or construction methods the incorporation or use of which do not fall within traditional expertise and practices.

Art 2. - Following a collective assessment, the Commission's Technical Appraisal shall determine the suitability of products or systems that are not subject to CE marking as defined in Article 6 of the Decree dated 8 July 1992 referenced above, relating to regulatory and usage requirements with which the structure to be built must normally comply.

Where the application concerns a product under a CE mark, the Appraisal shall be issued as a Technical Application Document.

Art 3. - Applications for Technical Appraisals or Technical Application Documents and use by construction stakeholders of the opinions expressed therein shall constitute voluntary and optional schemes. As such, Technical Appraisals and Technical Application Documents:

- shall not be deemed guarantees by the state or agencies and bodies responsible for their preparation and publication;
- shall not release any user or vendor from their respective responsibilities and obligations;
- shall not grant the holder an exclusive right to production or sale;
- shall be devoid of regulatory effects with regards to marketing construction products.

Art 4. - The recipient of a Technical Appraisal or Technical Application Document or the Commission may request a revision pursuant to the general rules mentioned in Article 10.

Art 5. - The Scientific and Technical Centre for Building (hereinafter CSTB) shall record and publish Technical Appraisals and Technical Application Documents.

Any person may obtain access to them via download from the database available on the website or at their expense from this establishment.

Art 6. - Technical Appraisals and Technical Application Documents shall apply to products within the meaning of Article 1 of the above-mentioned Decree of 8 July 1992 and to construction systems:

- which may be assessed with regards to the requirements mentioned in Article 2;
- intended for predetermined uses and with defined conditions for implementation;
- well defined in their nature, composition, structure, form, and presentation, the production of which may be achieved under conditions guaranteeing the permanence of their characteristics.

Technical Appraisals and Technical Application Documents must mention the substantiating data that motivated them: calculations, technical tests, direct experiences. They may include reservations, especially regarding production and implementation conditions.

Technical Appraisals and Technical Application Documents shall be formulated to be valid from two to seven years.

Art 7. - When the recipient mentions a Technical Appraisal or Technical Application Document in business correspondence, advertising and contracts, the registration number and publication date must be cited. It may only be reproduced in full.

Art 8. - The Commission shall be composed as follows:

- 1 – A Chair;
- 2 – Three representatives from the French Ministry of Construction;
- 3 – A representative from the French Ministry of Education;
- 4 – A representative of CSTB;
- 5 – A representative of the French Association for Standardisation (hereinafter AFNOR);
- 6 – A representative of the Agency for the Prevention of Structural Damage and Improving Construction Quality (hereinafter AQC);
- 7 – Two representatives of public or private clients;
- 8 – Twelve persons chosen from among industrialists, contractors, architects, and engineers whose activities relate mainly to construction.

An alternate shall be designated for each member referred to in 2 to 6.

The Chair, members of the Commission and their alternates, for those mentioned in the preceding paragraph, shall be appointed by decree of the Minister of Construction and Housing.

Art. 9. - The Commission shall create specialised groups which shall examine, under its authority, applications for Technical Appraisals or Technical Application Documents and shall decide thereon.

The Commission's deliberations shall determine the composition of each group and shall designate the Chair thereof and, where appropriate, the Vice-Chair.

Specialised groups may consult the experts of their choice.

Art 10. - The Commission shall establish its rules of procedure, specifying the general rules for preparing Technical Appraisal or Technical Application Document applications, their examination, and their revision.

The Commission shall adopt rules for implementation.

Art 11. - CSTB shall report on Appraisal applications. It shall provide the secretariat.

Art 12. - Commission and Specialised Group members shall not receive compensation for their services.

Any expenses related to CSTB's services shall be the Applicant's responsibility. Such reimbursement shall be subject to a rate scale approved by CSTB's board of directors, after consulting the Commission.

The production of substantiating documents required for processing Technical Appraisal and Technical Application Document applications shall be the Applicant's responsibility in accordance with the provisions of the Commission's rules.

Art 13. - This Decree supersedes and replaces the Decree of 2 December 1969 as amended establishing a Commission in Charge of Issuing Technical Appraisals regarding systems, materials, elements, and equipment used in construction.

Art 14. - This Decree shall come into force on 1 April 2012.

Art 15. - The Director of Housing, Urban Planning, and Landscapes shall be responsible for implementing this Decree to be published in the *Official Journal* of the French Republic.

Signed on 21 March 2012.

For the Minister and by delegation:

the Director of Housing, Urban Planning and Landscapes,

E. Crepon

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Rules and Regulations governing the Commission in Charge of Issuing Technical Appraisals and Technical Application Documents for systems, materials, elements, and equipment used in construction (CCFAT) dated April 2023

These Rules, established under the provisions of the Decree of 21 March 2012, aim to clarify the operating conditions for the CCFAT and the Specialised Groups that it shall form.

In these Rules, the term 'Technical Appraisal' shall refer to both Technical Appraisals and Technical Application Documents and the term 'Commission' shall designate the CCFAT.

Terminology

By convention, hereinafter, the terms 'product' and 'system' shall be understood with the restrictive meanings below:

- *product*: materials and components that may be incorporated into a structure for a particular purpose. They shall be subject to a technical definition and a trade name and be developed through a defined production process. The term shall cover materials, elements, and equipment covered by the Decree of 21 March 2012. This term shall have no bearing on whether or not the product is used by the manufacturer.
- *system*: all definitions and methods providing for building works or parts of works with a specific purpose, using products specific in their nature, composition, properties, and, where applicable, their shape and size. The term shall not cover methods for manufacturing the products.

Also, by convention, the below terms shall be understood as follows:

- *standardised domain*: all products and systems the production, design, and implementation techniques of which are respectively defined by either of the following documents:
 - French product and structure design standards;
 - specifications relating to construction work performance (NF-DTU standards).
- *traditional domain*: all
 - products and systems with production standards, a design, and implementation providing for constructing a permanent structure;
 - products and systems that result in their manufacture, design, and implementation from long-standing proven techniques or covered by what is referred to as 'best practices'.
- *precedent*: all decisions taken by the Specialised Groups constituting the Commission's technical positions.

Title I - Commission role and goals

Art 1. - The Commission shall perform its duties pursuant to the Decree of 21 March 2012

As such, its duties shall include, among others:

- ensuring the proper implementation of this document;
- constituting Specialised Groups as mentioned in the Decree as well as directing and monitoring their activities;
- promoting the integration of new products and systems in the traditional domain and coordinating with the agencies responsible for standardisation.

Title II - Technical Appraisal subject, content, and form

Art 2. - Technical Appraisal subject

Technical Appraisals shall be understood as informational documents designed to provide the various construction stakeholders with an informed opinion regarding the predictable behaviour of structures built using the relevant systems and products, in order to allow said participants to make their decisions and assume their responsibilities with full knowledge of the facts.

The opinions expressed in the Technical Appraisal shall be understood as applied to the completed structure (or part of the structure), built with the products mentioned, implemented according to the process described, and applicable to a specified geographic area of the country.

As the Technical Appraisal is addressed to stakeholders reputed to know best practices, it is not intended to contain any information other than that relating to the non-traditional nature of the technique. Thus, for aspects of the system which comply with recognised best practices for implementation or design, referring to these rules is sufficient.

Art 3. - Field of application

A Technical Appraisal may only be requested for the products and systems designated in Article 1 of the Decree of 21 March 2012.

The list of 'product-system/field of application' pairs complying with the scope of application is kept up to date and published.

Art 4. - Technical Appraisal content and form

Where after examination it has been possible to conclude in favour of the suitability for use of the product or system subject of the application, the Technical Appraisal shall be drafted as a document that contains the identification information, the Specialised Group assessment, and a technical file.

Identification information includes:

- the Technical Appraisal's registration number;
- the trade name of the product or system;
- the identity of the holder and co-holders, if any;
- the validity start and end dates pursuant to Article 10 hereof.

The Specialised Group's opinion includes:

- a) an accepted field of application, with information concerning the geographical area and works concerned;
- b) an assessment:
 - of the suitability for use of the product or system as well as the important conditions for the assessment
 - of the durability of the works completed, with information concerning points of comparison with those obtained with other families of products or systems already known
- c) any additional comments from the Specialised Group regarding the indication of the level of performance that does not play a decisive role in assessing suitability for use, but the knowledge of which may be useful for those involved in construction.

The Technical Appraisal includes a technical file, based on the elements provided by the Applicant (Article 22) and the Specialised Group's requirements accepted by the Applicant (Article 24).

This technical file includes:

- the exact description of the product or system, how it is marketed, and its main properties;
- the procedures for design, implementation, maintenance, and end-of-life treatment of the product or system;
- Environmental data related to the product or system;
- the principle of technical support provided by the holder;
- the principles of manufacture and monitoring of this manufacture;
- mention of tests, experiments, and actual uses which served as a basis.

If applicable, these items indicate:

- the design, manufacture, implementation, or durability elements subject to third-party monitoring and the criteria for this monitoring;
- mention of the elements used in the digital models of the works.

Title III - General Rules for issuing and revising Technical Appraisals

Art 5. - Applicant

The Commission and Specialised Groups may only examine Files presented:

- for products: by the manufacturer, licensor, or licensed manufacturer;
- for systems: by the holder of the system or licensed operator.

Note: several companies may jointly apply by substantiating their mutual commitments with regards to the Technical Appraisal's claims.

Art 6. - Licence transfer

A Technical Appraisal holder may request that the benefit of the Technical Appraisal be extended to their licensees subject to imposing, by way of technical manufacturing, design and/or implementation specifications approved by the Commission or relevant Specialised Group, the same obligations and monitoring their implementation.

Art 7. - Commission information during the examination

For each Specialised Group, CSTB shall designate a Rapporteur, who shall act as secretary in consultation with the Chair of the

Specialised Group, as well as examiners in charge of the application files and the work of the Specialised Group under the aegis of the Rapporteur.

The Rapporteur, by Commission delegation, may conduct or have conducted, on the production site, on the market, or on the usage site, any inspections and sampling, as well as any testing or experiments in workshops, factories, laboratories, and on site that it deems necessary to verify the product's assessment qualities.

In particular, the Rapporteur shall be entitled to collect from Technical Inspectors and the Quality Construction Agency any informational items they may have obtained during their missions and analyses.

Art 8. - Product uniformity substantiation

In cases where the predictable behaviour of the structure or its performance depends heavily on the products, the Commission or relevant Specialised Group may include, among the technical requirements referred to in Article 4, the obligation for the manufacturer to ensure its products' quality with industrial self-testing and have the regularity, effectiveness, and conclusions thereof verified by an agency accepted by the Specialised Group. The Commission or the relevant Specialised Group may subordinate their opinion to the demonstration of the existence of such quality monitoring.

The holder may not use the Technical Appraisal if the continued substantiation of the product's or system's uniformity is not assured.

Art 9. - Subsequent Commission information

The Commission or the relevant Specialised Group shall reserve the right to ask the holder for or to collect from any reliable source any evidence regarding the in-service behaviour of structures built using the product or system subject of the Technical Appraisal.

Art 10. - Validity period

Technical Appraisals are issued for a period of two to seven years starting from the date of publication, pursuant to Article 6 of the Decree of 21 March 2012. Such duration shall be evaluated by the Specialised Groups based primarily on feedback, and, where applicable, the implementation of monitoring provisions referred to in Article 4 and accepted by the holder.

Upon expiration of the corresponding duration, the Technical Appraisal shall be automatically cancelled. It may be revised pursuant to the conditions set forth in Article 11. The period of validity of the resulting Technical Appraisal shall be determined by the Specialised Group.

Art 11. - Technical Appraisal revision

Art 11-1. - Revision at the holder's initiative

The application for revision of a Technical Appraisal must be made within a period of not less than six months before its expiration date.

A holder modifying a product or system covered by a Technical Appraisal must request a revision of said Appraisal. Such revision shall be conducted following the same procedure as the initial Technical Appraisal; nevertheless, the Applicant's file may be simplified to a statement and justification of changes. With the Chair's approval, the validity date of the Technical Appraisal

that has not yet expired may be extended if it is likely to be exceeded during examination of the application for revision.

If no technical changes are made, the holder may request to have a valid Technical Appraisal revised in order to take advantage of the new validity end date. Such revision shall be conducted following the same procedure as the initial Technical Appraisal; however, the Applicant's file may be simplified to an update of the reference work sites.

Art 11-2. - Revision at the Commission's or Specialised Group's initiative

The Commission or the relevant Specialised Group may, on their own initiative, extend a valid Technical Appraisal or revise it when new information likely to affect the criteria and methods for assessing suitability for use of the product or system so warrant (claim rates, change in regulations or standards, Specialised Group feedback, etc.).

The examination shall be resumed if the holder consents, following the same procedure as the initial Technical Appraisal. Should the holder refuse, the Technical Appraisal shall be cancelled.

Art 12. - Cancellation

In addition to the cancellation ipso jure provided for in Article 10 above, the Commission or the relevant Specialised Group may proceed with the cancellation of a valid Technical Appraisal in the following cases:

- Article 11: when the revision does not provide for the delivery of a favourable appraisal regarding the product's or system's suitability for use or if the holder refuses the revision at the Commission's or Specialised Group's initiative;
- Article 8: in the event of prolonged lack of substantiation regarding product uniformity, when the Appraisal's validity is subject thereto;
- In application of the last paragraph of Article 32 (shift into the traditional domain);
- In case of abandonment or non-compliance with the product's or system's use under the conditions defined by the Technical Appraisal.

Title IV - Technical Appraisal application examination method

Art 13. - Technical Appraisal application preparation

The Applicant sends a Technical Appraisal application to CSTB for a product or system, as a provisional file that includes all the elements described in Articles 14 to 17 below.

For products or systems falling within the field of application of a document prepared by a Specialised Group (Article 42), the Applicant must relate their application to the content of these documents.

Art 14. Application identification

Applicants shall state on the standard form:

- their full identity;
- the exclusive trade name for the product or system subject of the application;
- a brief description of the product or system and its field of application (geographical area, types of works, etc.);
- the statement that they own the proposed industrial product or system or are licensed pursuant to Article 5;

- identification of the manufacturing sites for materials and elements manufactured for the product or system subject of the Technical Appraisal application;
- where appropriate, a request to extend the Technical Appraisal to licensees;
- their unconditional acceptance of the present Rules and their commitment to enforce compliance with the Rules by potential licensees.

Art 15. - Product or system description

Applicants shall provide a full description of the product or system and method for producing structures for which implementation is being considered. Such description must provide for the identification and the full limits of the work and its components. To that end, the description shall include:

- a precise indication of the structures or parts thereof for which construction of the product or system is intended;
- appropriation and geographical locations proposed for these structures;
- definition of the materials used, particularly by reference to standards or a sufficiently constant trademark or by the description of their manufacture from identified raw materials;
- a full description of the elements manufactured using these materials, with an indication of inspections conducted, accompanied by specifications and manufacturing tolerances;
- a description of the implementation in the structure of the product or system, if necessary by reference to NF DTUs, specifying in particular all the operations to perform, security arrangements, and means for inspecting the structure's quality;
- a description of the product or system design modes;
- a description of maintenance and repair for the product or system during the structure's life;
- a description of the product monitoring process from manufacture to the job site and of conditions for product design and implementation;
- a description of the manufacture, design, implementation, operation, and end-of-life treatment of the product and system in relation to environmental performance;
- all drawings and details required to understand the system and substantiating document clarity;
- in the case of a Technical Application Document, the reference to the harmonised technical specification on the basis of which CE marking shall be affixed.

The description must also make it possible to justify that the product or system falls within the field of application of the Technical Appraisal process as defined under Article 3, by highlighting the non-traditional aspect(s) of the product or system.

Art 16. - Reference site list

Such list shall clearly and unequivocally designate all sites related to the claimed domain, their destination, quantity, location for possible examination, the time of their construction, and the identity of stakeholders.

When references are outside the claimed territory, the list must specify the local context which may assist the examination.

Art 17. - Collection of substantiating documents

Applicants shall support their claims with a collection of all findings, interpretations, and inferences based on observation

of the behaviour of structures in service by which they intend to provide proof of the stated properties, for those that are demonstrable, and all the evidence for those that remain subject to evaluation.

These may include:

- experiment and test reports of all kinds, in laboratories or in situ, within the country or abroad, conducted by the Applicant or by laboratories on identified samples;
- scientific reasoning from the results of measurements;
- reports regarding observation or experimentation in actual use;
- substantiation providing for CE marking;
- substantiation of environmental performances;
- reference to existing technology documents (normative or written best practice documents for traditional parts of structures);
- the manufacturing and/or implementation specifications imposed on licensees, as well as the manner of their enforcement.

Such collection shall also highlight the elements providing for determining the uniformity of the products and methods used.

Art 18. - Administrative fees

Applicants shall pay the administrative fees established by CSTB based on the content of the application (Article 13) and in compliance with the rate scale (Article 12 of the Decree of 21 March 2012).

Any costs of travel and trials shall not be included in these fees.

Art 19. - Application acceptance

CSTB shall verify that the following conditions have been fulfilled:

- product or system within the scope of application of the Technical Appraisal pursuant to Article 3;
- Applicant status pursuant to Article 5;
- provisional application file pursuant to articles 14 to 17;
- fees paid pursuant to Article 18.

If necessary, the Rapporteur may consult the competent Specialised Group(s) on the relevance of the provisional file. They may also solicit the Commission on the relevance of the application as regards the field of application of the Technical Appraisal (Article 3).

Where more than one Specialised Group are concerned by the application, the Specialised Group with which the application is associated shall be responsible for obtaining the consensus of the members to be designated in the relevant Specialised Groups.

Once these verifications are carried out, CSTB shall acknowledge receipt of the application within fifteen days and shall notify the Applicant that their application has been taken into account.

Art 20. - Preparation of the Applicant's file

The Applicant's file is prepared based on precedent set by the Specialised Groups (Article 42) as of the date the application is taken into account.

The Applicant shall conduct or have conducted all testing required for completing the collection of substantiating documents.

Should there be one or more shared Technical Specifications Documents (Article 42) pertaining to the product or system

family subject of the application, Applicants may refer thereto in their file.

If the application file, supplemented by the Applicant with evidence they deem accurate and relevant, shows significant deviations or innovations compared to precedent previously set by a Specialised Group, then the members are convened to formalise, on the basis of their technical analysis, their assessment criteria specific to the application presented by the Rapporteur. The Applicant's file is compiled using these criteria.

Members may, should they deem the presentation documents or the Applicant's explanations insufficient, invite the Applicant to conduct further testing or investigations in order to provide the necessary substantiation. Such additional evidence shall be compiled with the Applicant's consent and at their expense by bodies proposed by the Applicant and selected by the Rapporteur. The Specialised Group shall decide in case of disagreement regarding this choice.

The Applicant shall define the elements of the file that are covered by industrial or professional secrecy and the terms and conditions for their disclosure to the Specialised Group.

Art 21. - Schedule control for finalisation of the Applicant's file

The finalisation schedule for the Applicant's file must not exceed a period of six months after the application has been taken into account.

The Rapporteur and the Applicant shall agree upon any additional time frames taking into account the constraints of testing and providing substantiating documents.

Should the Rapporteur observe non-compliance with these deadlines, despite reminding the Applicant several times, the former shall cancel the application.

Art 22. - Admissibility of the Applicant's file

Once the Rapporteur deems the Applicant's file to be complete, the former shall declare the file admissible and notify the latter in writing.

The examination as such shall be conducted solely on the basis of this file. The examination period shall run from that date.

Art 23. - Application examination

The Rapporteur shall draft a presentation for the Specialised Group including:

- an examination report on the evaluation of the evidence from the Applicant's file with regard to the assessment criteria defined when compiling this file (Article 20);
- a draft Technical Appraisal in the event that such a draft may be formulated pursuant to Article 4 hereof.

The deadline for this phase of the procedure shall be no more than four months from the technical file's admission date.

The report and draft Technical Appraisal shall be submitted within this period to the Applicant, who shall be invited to provide written agreement or observations within a maximum period of one month.

If proposed by the Rapporteur, the draft Technical Appraisal is presented to the Product Prevention Commission (hereinafter C2P) of the Construction Quality Agency (hereinafter AQC) by the Applicant, with CSTB's support, and prior to application examination by the Specialised Group to which any remarks from the C2P are submitted.

Art 24. - Application examination by the Specialised Group

After receiving agreement or observations resulting from the examination (Article 23), the Rapporteur communicates the following to the members of the Specialised Group:

- the report and draft Technical Appraisal which may have been modified to take the observations into account;
- any observations expressed but not integrated into the report or draft Technical Appraisal.

All of the presentation documents shall be examined in session by the members at the earliest one week after sending these documents.

When consulting members from more than one Specialised Group, it is possible to arrange sequential examination by Specialised Group committee.

The meeting shall be chaired by the Chair (or Vice-Chair) and the Specialised Group's Rapporteur.

The Applicant may take part in the meeting to provide any clarifications and state their point of view, upon their request or that of the Specialised Group.

The Specialised Group reaches a conclusion on the content of the draft Technical Appraisal in accordance with Article 4. These conclusions may include possible recommendations or technical requirements. Requirements are considered if further elements are deemed to be needed in addition to those already in the Applicant's file in order to conclude in favour of the product's or system's suitability for use. Said additional elements to be provided, together with corresponding assessment criteria, shall be agreed in session in terms of both content and time frames. The Specialised Group shall indicate whether validation of the additional elements provided falls under its responsibility or whether it may be announced by the Chair, with the Specialised Group being informed.

The Applicant shall then be notified of all relevant information upon conclusion of the session.

Within a period not exceeding one month, the Applicant may request that the Specialised Group's conclusions be reconsidered pursuant to a complementary file leading to additional examination by CSTB (amount defined according to the scale). If there is persistent disagreement regarding the Specialised Group's conclusions, the Applicant may appeal to the CCFAT (Article 26) within no more than three weeks of being notified. Once this deadline or the deadline for providing additional elements specified by the Specialised group has passed, the application is closed.

Should the conclusion of the Specialised Group call into question a precedent existing at the time of consideration and with which the Applicant has complied or set a new precedent for several Technical Appraisals from the same family, the Technical Appraisal is issued according to the existing precedent or without the new precedent. The new precedent or the update to the existing precedent shall be enforced at a later time once all affected holders have been informed of the new terms under which the Technical Appraisal is granted. The revision conditions for all relevant Technical Appraisals are agreed by the Specialised Group, according to the terms of Article 11. However, the Specialised Group may apply the precedent immediately on the basis of arguments sent to the CCFAT.

Where after examination, the Specialised Group was unable to conclude regarding the suitability of the product or system subject of the request, no Technical Appraisal shall be issued. The Applicant shall be notified of this decision.

Art 25. - Technical Appraisal drafting and publication

If the Applicant does not call the conclusions of the Specialised Group into question under the conditions set out in Article 24, the Rapporteur shall, no later than one month after the Applicant is notified of the Specialised Group's conclusions and after receiving the final elements requested for the file:

- finalise the preparation of the Technical Appraisal and submit it to the Chair of the Specialised Group to verify that the document written accurately reflects the conclusions from the application's examination;
- inform the Applicant of the document.

Upon expiration of fifteen (15) days after the date of such notification, the Technical Appraisal shall be released, except under the provisions of Article 26 below.

Art 26. - Commission review

During the period following notification (Article 24), the Chair of the Commission, on the one hand, and the Applicant acting pursuant to a motivated claim, on the other, may require that the case be reviewed by the Commission. The Chair of the Commission designates one or several individuals from among the Commission's members to examine the case. These individuals shall provoke, if they deem it necessary, a new examination by the Specialised Group and shall take a final decision after hearing any person they deem it appropriate to consult.

The Applicant is then informed of the Technical Appraisal thus issued by the Commission and it is made public.

Art 27. - Closure of the examination initiated by the Rapporteur

In the absence of agreement or Applicant remarks once examination of the application is complete (Article 23), the Rapporteur may close the file without soliciting the Specialised Group.

Art 28. - Closure of the examination initiated by the Applicant

After the period of four months referred to in Article 23 expires, the Applicant may at any time request that the case be presented 'as is' on the day this request is expressed.

The file shall be sent, 'as is', to Specialised Group members who shall examine it in session.

Art 29. - Application withdrawal initiated by the Applicant

Before the Technical Appraisal is recorded, the Applicant may decide to withdraw their application. The Applicant shall inform CSTB who shall close the application file.

Art 30. - Arrangements for reimbursing administrative fees

Should the procedure be stopped, regardless of the initiator and reason, CSTB shall refund part of the fees paid depending on the progress made on the file at the time of its closure.

In all cases, filing fees shall remain with CSTB.

Should closing occur before admissibility of the Applicant's file (Article 22), 20% of the examination fees shall remain with CSTB.

Should closing occur after the examination period has begun and before sending the Applicant the draft Technical Appraisal and report (Article 23), 60% of the examination fees shall remain with CSTB.

In other cases, all fees shall remain with CSTB.

Title V - Relations between Technical Appraisals and Standards

Art 31. - Compatibility

When the performance, fields of application, or provisions for implementation differ from those resulting from normative documents and applicable best practices, the Commission shall, upon proposal from the Specialised Group, inform the relevant organisations to ensure that the applicable normative documents or rules may be revised, as necessary.

Art 32. - Identifying Products and Systems linked to the traditional domain

Each Specialised Group shall conduct an annual summary study to generate the 'product-system/field of application' pairs under Technical Appraisal and linked to the traditional domain, the quick passage of which into the standardised domain is technically feasible and desirable. Special attention shall be paid to test methods that may be standardised.

Based on this study, the Commission shall inform the Coordination Group for Standardisation in Construction (hereinafter 'GCNorBât DTU') and the C2P of the AQC.

Independently from the best practices drafting work likely to be undertaken, the Technical Appraisals for the relevant products or systems shall be maintained for a period determined by the Commission, then cancelled by right or automatically revised to remove uses from their fields of application that are subject to the decision to transition to the traditional domain.

Title VI - Formal Commission operating rules

Art 33. - Meeting frequency and notice periods

The Commission shall meet twice yearly for ordinary purposes. It may be convened for special meetings by its Chair.

The Chair may invite a qualified figure to participate in the entire meeting or part of the meeting, depending on the agenda.

The notices, accompanied by the agenda, shall be sent to members at least one month before the date set for the meeting.

Art 34. - Representation

Any member of the Commission may be represented at meetings by another member of the Commission who shall be provided a proxy for such purposes.

No person may hold more than one proxy.

Art 35. - Quorum

The Commission's deliberations shall only be valid if at least half the members are present or represented at the meeting.

Art 36. - Voting

Decisions relating to the everyday management of the Specialised Groups (members' terms, organisation of system families) are taken by the majority of members present or represented, and other decisions are taken by a two-thirds majority of members present or represented.

Art 37. - Consultation by post

For matters deemed not to require an adversarial debate, the Chair may conduct a written consultation.

Decisions shall be made by a majority of the votes cast, on condition that half the members have voted. The outcome of the consultation is given after examining replies.

Art 38. - Commission Secretariat

The Commission's secretariat shall be provided by CSTB.

It shall be responsible for administrative monitoring of each application's examination.

It shall maintain and make available to the Commission a chart representing Specialised Group activity, particularly in terms of examination times.

Should there be no Specialised Group, it shall refer to the Commission directly, for opinion.

Title VII - Specialised Groups

Art 39. - Specialised Group constitution and composition

Specialised Groups shall be composed according to circumstances and in varying numbers of technicians belonging to the following occupational categories:

- clients;
- project supervisors (architects, consulting engineers, design offices, etc.);
- technical inspectors;
- contractors;
- producers of materials and equipment, reproducers;
- State administrations;
- standards bodies;
- research organisations and laboratories;
- professional organisations representing the preceding categories.

The Commission shall review applications after collecting the opinion of the Chair of each Specialised Group. It shall decide, in session, case by case, the composition of each Specialised Group.

Each member shall be appointed for a renewable period of three years; their appointment shall be subject to maintaining their personal expertise, attendance for work in their field, and objective behaviour.

Upon proposal from the Specialised Group, the Chairs and Vice-Chairs of each Specialised Group shall be appointed by the Commission (Art 9 of the Decree of 21 March 2012) and chosen from among members who do not belong to the following occupational category: 'producers of materials and equipment, reproducers'. Each appointment is made for a renewable period of three years.

Specialised Group members shall be appointed *intuitu personae*; they may not be substituted.

By means of a periodically renewed statement, all members commit themselves to confidentiality, attendance, impartiality, and objectivity, in particular in terms of intellectual, technical, and scientific honesty, as well as respect for other experts and persons invited to participate in the work of the Specialised Group.

Each Chair of a Specialised Group may call upon the Commission to decide on the motivated exclusion of a member regarded as not fulfilling their commitments.

The Commission secretariat shall release an updated list of the composition of the various Specialised Groups.

Art 40. - Internal operating rules

Rapporteurs, by agreement with their Chair, shall organise meetings, the frequency of which shall be left to their initiative. Notice periods must be longer than ten (10) days.

Decisions regarding work under the Specialised Group's responsibility shall be based on broad consensus among Specialised Group members. If unable to reach such a consensus, the Chair of the Specialised Group shall refer to the Technical Appraisal Commission.

With the agreement of the Chair of the Specialised Group, the Rapporteur may consult the members of the Specialised Groups on topics that require information or clarification, by any means and outside meetings. The Rapporteur shall report the outcome of this consultation to the members of the Specialised Group. Any explicit and reasoned request from a member of a Specialised Group for a topic to be presented in a meeting defers the handling of this topic to the next meeting.

Art 41. - Industrial and professional secrecy

Members of the Commission and Specialised Groups, Rapporteurs, and experts, as well as anyone they call upon shall be bound by professional secrecy. In particular, they should consider all information related to the files, including

documents sent as part of the Specialised Group's work and debates, to be confidential.

Art 42. - Activities

The Specialised Groups keep their precedents up to date and make them available to Applicants for compiling their files (Article 20) in the form of:

- Specialised Technical Guides, intended to supplement the guidelines hereof, in the specific fields of each Specialised Group;
- minimum lists of elements usually requested, for product or system families subject to precedents stabilised by the Specialised Groups.

The Specialised Groups shall draft minutes at the close of each session and submit an annual activity report to the Commission. The annual report shall contain, in particular, the information specified in the first paragraph of Article 32.

When multiple Technical Appraisals use common design or implementation procedures intended for users, CSTB may, with the agreement of the relevant Specialised Group, prepare and publish common Technical Specifications based on these procedures. The Applicant may refer to these specifications to compile their file (Article 20).