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Position Paper
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Feedback on the Draft Commission Delegated Regulation (EU) 2024/3110 for the classification without testing of certain products as regards their reaction to fire performance

Executive Summary

EUMEPS, the European Association of Expanded Polystyrene (EPS) Manufacturers, welcomes the opportunity to provide feedback on the draft Commission Delegated Regulation establishing conditions for the classification without testing (CWFT) of certain construction products with regard to reaction to fire under Regulation (EU) 2024/3110.

EUMEPS supports the objective of ensuring continuity between the previous and the new Construction Products Regulation by maintaining existing CWFT provisions for products with well-established and predictable reaction-to-fire performance. This approach contributes to regulatory certainty, proportionality and the reduction of unnecessary administrative burdens for manufacturers.

Looking ahead, EUMEPS encourages the European Commission to ensure that future delegated acts under Article 5(6) of the CPR are developed on the basis of **sound scientific evidence, harmonised assessment methodologies, transparency and broad stakeholder consultation**. Future CWFT provisions should remain **technology-neutral** and be based solely on demonstrated and reproducible product performance.

Finally, while recognising the importance of reaction-to-fire classification as an essential product characteristic, EUMEPS encourages the continued evolution of a **performance-based regulatory framework** that appropriately reflects the fire behaviour of construction products within their intended end-use applications and complete construction systems, thereby supporting innovation while maintaining the highest level of fire safety.

1. Introduction

EUMEPS welcomes the draft Delegated Regulation and supports the objective of ensuring continuity between Regulation (EU) No 305/2011 and Regulation (EU) 2024/3110.

Maintaining existing Classification Without Testing (CWFT) provisions for products with well-established reaction-to-fire performance contributes to legal certainty, proportionality and the reduction of unnecessary testing, while preserving a high level of fire safety.

EUMEPS supports the use of CWFT where sufficient **scientific evidence** demonstrates stable and predictable performance. The criteria for granting such provisions should remain **transparent, objective and equally applicable to all construction products** under comparable technical conditions.

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2. Future Development of CWFT Provisions

EUMEPS welcomes the Commission's intention to develop additional delegated acts under Article 5(6) of the CPR.

Future CWFT provisions should:

- be based on robust scientific evidence and harmonised assessment methods;
- apply transparent and objective eligibility criteria;
- ensure technology neutrality and equal treatment of construction products;
- be developed through broad stakeholder consultation involving Member States, notified bodies, standardisation organisations, research institutes and industry.

3. Future Consideration of Continuous Glowing Combustion

The explanatory memorandum indicates that provisions relating to continuous glowing combustion may be addressed in future delegated acts.

Any future regulatory provisions concerning continuous glowing combustion should only be introduced following the development and validation of harmonised European assessment methods, supported by comprehensive scientific evidence and impact assessment. Regulatory requirements should be proportionate, reproducible and applicable across all relevant product families.

Given the evolving technical understanding of continuous glowing combustion, regulatory provisions should be founded on **reproducible testing methodologies** and comprehensive technical evaluation to ensure consistency across all construction products.

4. Importance of a Performance-Based Approach to Fire Safety

Reaction-to-fire classification is an important characteristic of construction products.

However, the overall fire safety of buildings is determined by the performance of complete construction systems, including the interaction between materials, protective layers, fixing methods, installation details and the final end-use application.

As implementation of the new CPR progresses, EUMEPS encourages the Commission to continue promoting regulatory approaches that recognise the **importance of performance-based fire safety assessment**, taking into account the behaviour of complete construction assemblies where relevant.

As the implementation of the new CPR progresses, EUMEPS encourages the Commission to maintain **a science-based, technology-neutral and performance-based** regulatory framework.

Future delegated acts—including those addressing continuous glowing combustion—should only be introduced once harmonised assessment methodologies have been developed, scientifically validated and demonstrated to be reproducible.

Furthermore, while reaction-to-fire classification remains an essential product characteristic, the contribution of construction products to fire safety is best assessed within their intended end-use application and complete construction systems. Recent advances in fire engineering and large-scale testing demonstrate the importance of

considering the interaction between materials, protective layers and construction details when evaluating fire performance.

Future simplified assessment procedures should therefore preserve technology neutrality and avoid creating unintended disparities between construction technologies where equivalent levels of safety can be demonstrated.

5. Conclusions

EUMEPS supports the adoption of the proposed Delegated Regulation. Looking ahead, EUMEPS encourages the European Commission to ensure that future delegated acts concerning Classification Without Testing:

- remain firmly based on scientific evidence and harmonised assessment methodologies;
- are developed through **transparent** and inclusive stakeholder consultation;
- maintain **technology neutrality and equal treatment** of construction products;
- continue to support a **performance-based approach to fire safety** that reflects the behaviour of complete construction systems.

EUMEPS remains committed to supporting the European Commission with technical expertise and constructive dialogue in the continued implementation of the Construction Products Regulation.

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About EUMEPS

EUMEPS, the unified European voice of the Expanded Polystyrene (EPS) industry, is the premier advocate for EPS solutions. Representing every link of the EPS value chain, from large companies to SMEs, we are committed to fulfilling European environmental objectives. Through our 23 national associations and numerous recycling initiatives, we strive to elevate the circularity of our industry.
As a contributor to making Europe climate-neutral and resource-efficient, we showcase EPS as a smart choice in packaging and insulation. Stand by us in building a more resilient and sustainable tomorrow. www.eumeps.eu.