

## ***Transitional Technical Appraisal (ATT)***

### **Rules**

#### **I - GENERAL**

##### **Article 1 – Background and purpose of the procedure**

The rules of the procedure for technical appraisals and technical application documents (referred to as the ATec/DTA Procedure), dated 10 June 2015, stipulate in Article 3 that the Commission Responsible for Issuing Technical Appraisals (CCFAT) publishes the list of 'system-usage' pairs corresponding to the procedure's field of application.

In practice, this list establishes the scope of new techniques eligible for the ATec/DTA procedure. When a technique is no longer considered 'new' by the CCFAT, it is excluded from the list and the CCFAT then sets forth two (2) dates for the technique:

- Date D1, starting from which ATec/DTA requests will no longer be accepted;
- Date D2, starting from which all ATecs and DTAs from this same family will be nullified.

One can deduce from this that if, starting from D1, the family in question does not yet have reference texts to stand in for the ATec/DTA, the companies concerned will be in a situation of no longer being able to easily attest to the reliability of the technique that they use based on an assessment from a dedicated third party, unless the technique in question has been covered by appropriate standards. To fill the assessment gap for techniques during the period after D1 but before the publication of reference texts specific to traditional techniques, CSTB offers to verify that criteria selected by the CCFAT before D1 have been satisfied and to publish on the CSTB website the results of said verification: this is known as a *Transitional Technical Appraisal (ATT)*.

The procedure for the **ATT** involves an assessment of the suitability for use of a construction technique already sufficiently established that it no longer falls within the scope of innovative techniques according to Article 3 of the Technical Appraisal Procedure; at the same time, the construction technique must not yet have all essential reference texts for its usage as a traditional technique.

The **ATT** is an assessment for construction systems or techniques not considered innovative according to the Technical Appraisal Procedure. The assessment is requested by industrialists using the systems or techniques in question, with these companies wishing to receive a technical assessment with the same reliability as

technical appraisals while they await the release of reference documents such as standards and DTUs.

To achieve this result, CSTB creates the ATT by referring to the criteria used in the Specialised Groups of the CCFAT, as of the date the latter takes the decision to no longer respond to requests for technical appraisals for the 'system-usage' pair to which the system belongs. If the criteria need to be updated because of, in particular, changes in the regulatory environment or new technical or scientific data, CSTB asks a committee of experts to help it determine what changes to adopt for the criteria.

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

Intended to support the usage and continuity of knowledge acquired during the development period of the technique, with a view to capitalising on the technique to support later development of standards, this procedure is strictly optional and can only be invoked upon voluntary request from the owner of the system. 'Owner of the system' is understood to mean the industrialist that has industrial intellectual property rights over the system or an operator with a licence to use the system.

### **Article 3 - Field of Application**

This procedure is open to all owners of systems not eligible for the ATec/DTA procedure, for the usage in question, subject to adherence to the conditions of Article 6.

## **II - ACCESS TO THE PROCEDURE**

### **Article 4 – Cost**

The applicant is responsible for the costs that come with the procedure, established beforehand by CSTB in a price quote that specifies, on a case-by-case basis, the amounts, deadlines and conditions of payment.

### **Article 5 - Submission of a request for a *Transitional Technical Appraisal***

The applicant submits to CSTB a request for an ATT that specifies, in particular:

- the full description of the technical characteristics of the 'system-usage' pair in question;
- the list of standards documents, according to Article 6, that may be in development regarding the 'system-usage' pair;
- references of construction projects performed and any claims for damages or malfunctions encountered.

### **Article 6 – Admissibility of requests**

A 'construction system-usage' pair may undergo the ATT procedure if it meets the following two conditions:

- it is not eligible for the technical appraisal procedure, either because date D1 mentioned in Article 1 has passed or because the CCFAT did not wish to incorporate the pair in question into the list of system-usage pairs eligible for the technical appraisal procedure;

- at least one of the following three reference texts is not available concerning the pair:

- French or European product standards for ensuring expected performance of the products related to the construction system in question;
- the French or European standard for calculation that may be needed for determining dimensions of the works when using the construction system in question;
- the DTU standard (or recognised equivalent French or European reference text) needed for execution of the works when using the construction system in question.

### **Article 7 - Commitment of the request**

When an ATT request is sent to CSTB, the latter assigns an examiner to handle the request made.

CSTB has a period of fifteen (15) business days to confirm receipt and indicate whether or not the request is eligible for the ATT procedure, under the criteria in Article 6.

CSTB gives the applicant the list of criteria used for the assessment of the corresponding technical appraisal family as established as of date D1, updated with any changes to the list and with the criteria adopted by the committee of experts since date D1.

CSTB examines the need to proceed to convoking the committee of experts as established in Article 10, according to:

- the particularities of the case that do not fall within the scope of the criteria previously established;
- regulatory changes and changes in scientific data that have arisen since the last consultation of the committee of experts.

The list of criteria to verify, updated following any meeting of the committee of experts, is sent to the applicant. It constitutes the basis on which the applicant must rely to provide the justification that forms the technical file associated with their request.

The applicant sends the file with technical justification to the examiner. After receipt, CSTB sends the applicant the offer corresponding to the cost for examining the request and for developing and publishing the ATT resulting from said examination.

The applicant accepts the offer and pays the corresponding amount to CSTB under the conditions set forth in the price quote. The request is then considered committed.

### **III - EXAMINATION OF REQUESTS**

### **Article 8 - CSTB's mission**

CSTB studies the technical file and tasks the examiner with examining the justification for the verification criteria. The examiner is chosen from among CSTB specialists on the evaluation of the suitability for use of building techniques.

After examining the justification provided, the examiner prepares a criteria verification table and a document made up of the following:

- A cover page with the CSTB logo, administrative information and reference trade names specific to the system and its owner, the date of issuance, the duration of validity and the document version;
- A summary of the examination criteria applicable as of the date the ATT was issued;
- A table with the results of the verification: For each criterion in the table, 'verified' or 'unverified' is indicated. For each unverified criterion, a comment indicates the technical reasons for the 'unverified' indication and the consequences for the scope of the final certificate in terms of the limits for the favourably verified field of use;

At the end of the verification table is the form for the certificate of satisfaction of the criteria resulting from the verification according to the accepted field of use.

The accepted scope may be more limited than the field of use requested if certain criteria are not verified for the entirety of the field of use requested;

- The CSTB's signature, the date of issuance and the duration of validity;
- In the appendix, a full description of the system with all information taken from the technical file provided by the applicant and necessary for the reader to clearly identify the system.

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

The examiner has a period of three months from the commitment of the request to produce the ATT draft. This draft is sent to the applicant in accordance with Article 12.

## **IV - FORMULATION OF THE ATT**

### **Article 10 - Committees of experts**

A dedicated committee of experts is created for each family of systems. The committee is composed of:

- its chairperson (CSTB);
- the examiner (CSTB) in charge of examining the request;
- four experts representing professional bodies (AIMCC, COPREC, FFB or CAPEB, UNSFA).

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

This committee is convoked by CSTB.

CSTB keeps an updated report on the decisions of the committees of experts. These reports are kept in records.

### **Article 11 - Missions of the committee of experts**

The mission of the committee of experts is:

- to update criteria or set forth new criteria not yet established in light of regulatory changes or new scientific information that has become available. The committee is convoked by CSTB for this purpose;
- to serve as the appellate body capable of confirming or overturning the interpretation given by CSTB for the justification provided by the applicant for verification of the criteria.

### **Article 12 – Formulation of ATTs, appeals and publication**

CSTB prepares the draft ATT organised according to the description given in Article 8, signs the draft and submits it for acceptance by the applicant.

If, within fifteen (15) days from the date of receipt of the draft ATT by the applicant, the applicant has not asked CSTB for an appeal with cause, the ATT is recorded and published on the CSTB website in its entirety.

If an appeal with cause is requested, CSTB convokes the committee of experts and the applicant within one (1) month of the date of receipt by CSTB of the request for appeal with cause. The parties hold a session, after which the committee of experts takes a definitive decision with no option of appeal.

The ATT, potentially modified by the committee of experts, is then either recorded and published in its entirety on the CSTB website or it is refused by the applicant.

In any case and at any time, the applicant can halt the procedure and cancel the ATT. If the procedure is halted by the applicant, the remaining costs of the procedure retained by CSTB will be determined according to the price quote. In the absence of indication in the price quote, the funds will remain with CSTB.

### **Article 13 – Conditions for renewal**

The renewal procedure for an ATT is entirely the same as the initial request procedure.

## **V – LIABILITY**

## **Article 14 – Limitations on liability**

The **ATT** is simply a technical opinion according to experts, formulated based on what is known from the technical file produced by the applicant.

The **ATT** does not offer any guarantee on the experts involved in the ATT procedure.

It does not release the applicant from liability.

It does not confer upon the applicant an exclusive right of usage and does not constitute an authorisation for marketing the system.

Neither the committees of experts nor CSTB may be held liable for any errors or omissions resulting from incomplete, incorrect or obsolete content in the technical file.

In any case, CSTB is bound by an obligation of means, which involves the best possible implementation of its skills and scientific and technical knowledge in order to issue the ATT under the agreed means and within the scheduled deadlines.

CSTB is only liable for damages that are the direct consequence of a clear breach of its contractual obligations.

It can only be held liable for direct damages suffered by the applicant. This applies for all classes of damages, within the maximum limit of the price owed by the applicant for the ATT.

CSTB cannot be held liable for any indirect damages. By express agreement, all commercial and financial losses, loss of revenues, loss of profit, loss of data, loss of orders, loss of customers and any action brought against the applicant by a third party shall be deemed to be indirect losses.

## **VI - MISCELLANEOUS**

### **Article 15 - Industrial and professional secrecy**

The chairpeople, members and secretaries of the committees as well as the staff that they call on, are held to professional secrecy. In particular, they must consider confidential all information related to technical files and the content of deliberations.

### **Article 16 – Acceptance of the rules**

The **ATT** request implies that the applicant accepts the rules of the procedure in force at the time of the request.

### **Article 17 – Changes after the publication of the ATT**

The applicant commits to notify CSTB of any changes in their system, their usage, pathologies, available scientific data and regulations affecting the suitability for use of their system.

CSTB may nullify the ATT in the following cases:

- Changes are such that the system-usage pair used under the name declared in the ATT is no longer consistent with the description in the ATT;
- The regulatory context has been modified since the publication of the ATT;
- Problems directly related to the criteria used have been found since the publication of the ATT;
- New scientific information available has cast doubt on the relevance of the criteria used in the ATT.

### **Article 18 – Advertising**

The party receiving an **ATT** may only mention it while producing the text of the ATT in extenso.

In particular, the receiving party undertakes to not mention the **ATT** in its commercial advertising other than by citing the full text of the ATT or its reference number permitting access to the entirety of the document on the CSTB website.

### **Article 19 - Duration of validity**

The **ATT** is issued for a maximum period of validity of five (5) years from the date of recording. The ATT is nullified if the conditions of Article 6 are no longer met. The applicant may, at any time, request the nullification of their ATT and its removal from the CSTB website within fifteen (15) days.

## Informational appendix:

Procedure summary table:

| <b>Actions of the applicant</b>                                | <b>CSTB actions</b>  |
|--|--|
| Submission of a request with cause - Art. 5                    | Response of acceptability within 15 days - Art. 6  |
| Submission of a file with justification - Art. 7               | Sending of an offer - Art. 7   |
| Acceptance of the offer and payment of procedure fees - Art. 7 | Response for procedure commitment - Art. 7<br>Production of the ATT within 3 months - Art. 9 |
| Acceptance of the ATT within 15 days - Art. 12                 | Publication of the ATT on the CSTB website - Art. 12   |
| Submission of an appeal request within 15 days - Art. 12       | Convocation of the committee for definitive validation                                       |
| Submission of a renewal request - Art. 13                      | Procedure identical to that of an initial request.   |