

# **EXPERIMENTAL NATIONAL TECHNICAL APPROVAL (DITEX)**

DOCUMENTO DE IDONEIDAD TÉCNICA EXPERIMENTAL (DITEX)

## **DITEX Issuing Regulation**

### **REGULATION FOR THE ISSUING OF THE EXPERIMENTAL NATIONAL TECHNICAL APPROVAL (DITEX)**

**December 2019**

#### **I GENERALITIES**

##### **01. Introduction**

DIT is - by definition - a favourable technical assessment of the fitness for the intended use of non-traditional or innovative materials, systems or construction procedures, for building or civil engineering works

The Eduardo Torroja Construction Sciences Institute (IETcc), belonging to Higher Council for Scientific Research (CSIC), is the only Spanish Agency that has been granted, by Decree 3652/63 of the Presidency of the Government dated December 26, 1963 and Ministerial Order 1265 / 88 of December 23, 1988, the power to issue the DIT. Also it has been granted for the confirmation of other DITs issued by any of the Members of the European Organization for Technical Approvals (UEAtc).

A product is subject to DIT -according to the Regulation- when it is considered non-traditional or novel. That is, there are no product and implementation standards applicable and, it has also been used in real applications and is manufactured regularly. The DIT assesses the product's fitness for use, but considers it is necessary to have a factory production control, carried out by the manufacturer and supervised by the IETcc, which allows the surveillance of the DIT once issued. Also, that it can be certified that the product continues to be manufactured and controlled by the manufacturer as specified in the DIT.

However, other novel or non-standard products or kits are also proposed for being marketed, for which there is no proven work experience or their manufacture is not yet regularly scheduled and controlled.

Thus, and in order to not prevent reservations to innovation, it seems appropriate to define a procedure that covers this case, in a similar way as other UEAtc member Institutes have done. This Regulation is therefore developed for those requests for evaluation of novel or non-standard systems or products that initially do not meet all the necessary conditions to be subject to DIT.

#### **EXPERIMENTAL DIT (DITEX)**

##### **2. Object**

The purpose of this Regulation is to regulate the issuing of the Experimental National Technical Approval (DITEX) by the Eduardo Torroja Construction Sciences Institute, for innovative or non-traditional products that are not fully covered by the requirements established in Regulation 1265/88 of the DIT.

### 3. Scope

The DITEX seeks to enhance both the implementation of the innovations and its installation at home, allowing through this procedure, the assessment of fitness for use or evaluation of a material, system, construction procedure or prototype, within the following assumptions:

**Type a):** Material, product or kit, constructive procedure, in phase of introduction in the market (prototype), for which previous reference works cannot be provided, and the following two assumptions can occur:

- That there are DIT on similar systems.
- That there are no DITs on similar systems.

**Type b):** Constructive solution designed for a specific work, involving non-traditional or traditional techniques of new application.

## II PROCESS

### 4. DITEX Application

Architects, contractors, manufacturers and owners of non-traditional construction systems, importers, as well as their legal representatives may apply the DITEX. In the written Application form, there must be an express commitment to respect this Regulation.

Applications must be accompanied by a technical report that takes into account, in general, the following aspects:

- the characteristics of the innovation to be assessed and its intended use, nature, scope and location of the experimental performance,
- techniques used that are included in the application,

And for **Type b):**

- Data on the specific work to be carried out and its location.
- Responsible for the work and control technician of the experimental performance,
- Previous tests –if this is the case- carried out in the development of the system.

### 5. Admission of applications

Once the application is received by IETcc, the Innovative products' assessment Unit will decide whether or not it corresponds to its management, previously consulting - if appropriate for those more specific cases – to the Technical Commission for the Concession and Processing of DIT, established pursuant to Regulation 1265/88 of the DIT. If not, the IETcc will communicate it to the applicant, with reasoned justification.

### 6. Cost estimation

The applications registered in the Unit will follow the same treatment as those of DIT, which means sending the proposal and budget for tasks. In case of applicant's agreement, the corresponding service contract shall be signed. The tasks will not begin until the amount specified at the contract has been paid.

## III MANAGEMENT OF DITEX APPLICATIONS

The management procedure is defined according to the specific Process that includes the Quality Management System established by the DIT Unit based on the ISO 9001 standard, certified by AENOR.

## 7. Designation of the Rapporteur

Once the application is registered, the IETcc will appoint a Rapporteur (researcher in charge), among the staff of the centre itself, according to the specialty in question.

## 8. Rapporteur's Mission

The Rapporteur will be in charge of leading the assessment in accordance with the procedures established in the Innovative products' assessment Unit, defined in its Quality Management System, and taking into account -if applicable- for Type b requests) the participation of the control technician.

Among the tasks of the Rapporteur, are:

- Define the Work Program.
- Prepare the technical report on the documentation provided by the applicant, for presentation to the Committee of Experts, which will include at least the following points:
  - Assessment for each of the essential requirements that are applicable to the work or works where the product can be installed, including aspects related to durability.
  - Risks assessment.
  - Aspects related to the controls to be carried out in the factory, for the requests included in Type a.
  - Feasibility of the experimental installation, and - where appropriate - tests and trials to be carried out on site and / or in the laboratory.
  - Aspects related to installation.
  - Recommendations, including –if applicable- use limitations (Type a).
  - Conclusions for consideration by the Committee of Experts, indicating the scope of DITEEX.

## 9. Time estimation

The assessments should be carried out in the shortest time possible, not being extended- except for justified exceptions - more than four months from the signature of the contract.

## IV ISSUING OF THE DITEEX

The DITEEX Issuing corresponds to the IETcc with the considerations and recommendations established by the specific Commission of Experts, which will be formed by the IETcc, for the product area and the Type (a or b) in which the request received is included.

## 10. Commission of Experts

The Commissions of Experts in charge of examining the DITEEX will be convened with criteria similar to those evaluated by the DIT, in accordance with Regulation 1265/88 of the DIT.

## 11. Mission of the Commission of Experts

The function of the Commission of Experts, in accordance with the DIT Issuing Regulations, is to advise on the test plan and the procedure to be followed for the technical evaluation proposed by the IETcc.

The comments and observations made by the members of the Commission do not in themselves imply technical endorsement or recommendation of preferential use of the evaluated product. The responsibility of the Commission of Experts does not reach the following aspects:

- a) Intellectual property or patent rights of the product.
- b) Product marketing rights.

c) Works executed or in progress in which the product or kit has been installed, used or maintained, nor on its design, construction methods or training of intervening operators.

For Type a, the DITEX will establish the recommendations deemed as necessary for the correct installation of the product, which allow assessment of:

- Aspects related to security.
- Aspects related to functionality.
- Aspects related to durability.
- Aspects related to the risk of use.

For Type b, the DITEX will include the same sections as the DIT, with the specific indications that may correspond.

### **Additional clarifications**

The assessment is based on the evaluation report and in view of the tests carried out. However, regarding safety and if the assessment is favourable, the Commission may recommend additional tests that verify compliance with the safety requirements.

## **V VALIDITY**

In the case of DITEX granted pursuant to art.3 (Type a), the validity of the document granted is 1 year.

For DITEX issued according to art. 3 (Type b)

For DITEX granted pursuant to art. 3 (Type b), the document is valid exclusively for the work where the evaluated product was applied or will be applied, according to the application.

## **VI RENEWAL OF THE DITEX**

### **12. Renewal conditions**

By nature, the DITEX (Type a), with the conclusions obtained from the experimental applications, must lead to an Application for a DIT.

If due to its innovation, a DIT cannot be initiated, and the Type a DITEX is no longer valid, the Commission will decide on the extension of validity, according to the advice from the Experts.

DITEX (Type b) do not have renewal.

## **VII DISSEMINATION OF THE DITEX**

### **13. Dissemination**

In the list of DITEX published by the IETcc only the title and person in charge of the system will appear. The DITEX on an innovation used on an experimental basis, is not published and it is revealed to:

- petitioner.
- members of the Commission of Experts, (Type a and b)
- control technician, (Type b)

However, a public dissemination of the document may be carried out if there is a express permission from the IETcc and the petitioner, provided that the full text is published.

## **VIII TECHNICAL COMMISSION**

### **14. Composition and powers**

The Technical Commission for the tasks of handling and issuing of DITEX is the same than the one established according to Art. 8 Order 23/12/88 DIT Issuing Regulation for non-traditional materials used in construction.

## **IX RESOURCES**

### **15. Presentation**

If this Regulation has not been respected, the applicant can raise a complaint about the rejection of an application or an assessment carried out by the IETcc.

### **16. Instruction**

The claim must be addressed to the IETcc Director.

Once the IETcc Director has heard the Speaker of the Commission of Experts and the applicant, he will decide on it or may send the Report to the Technical Commission, which will decide on it.

### **17. Notification of the decision**

The Technical Commission's decision will be notified by the IETcc Director to the applicant, within the following 15 days. The decision may comprise:

- Rejection of the appeal
- Rectification of the assessment
- New examination by the Committee of Experts with the appointment of a new rapporteur, if applicable.

The new Commission decision is not appealable.

## **X LIABILITY**

### **18. General**

The DITEX is a technical opinion of the Experts, based on current knowledge, of the information submitted by the applicant.

Neither the Commission of Experts nor the IETcc are responsible for errors in the technical report, which, having completed the procedure (art.3), cannot be verified or completed. (Art. 12).

### **19. Responsibility of the applicant and third parties**

- The DITEX does not have, by itself, any administrative effect, nor does it represent authorization of use, nor guarantee.
- It does not relieve the applicant of his responsibility, nor to the Construction Management to carry out the necessary controls on site.
- It is not intended to confer the exclusive right of exploitation.

## **XI MISCELLANEOUS**

### **20. Industrial and professional secret**

The IETcc Director, members and secretaries of the Commissions, will keep secrecy regarding the composition, manufacture, etc., regarding the products or kits examined. They also undertake to keep the content of the DITEX secret and of the discussions in the Commissions of Expert.

To this end, members will subscribe to the confidentiality model established for this purpose, according to the Quality Management System established by the DIT Unit based on the ISO 9001 standard.

### **21. Commitment clauses**

The DITEX request implies that the applicant accepts:

- The Regulation of this procedure in force, which will be attached with the acknowledgment of receipt of the request.
- That the control technician who follows the experimentation on site, communicate his observations to the Commission.
- That the IETcc surveillance of on site installations.

In DITEX (Type a), the applicant agrees to indicate to the IETcc the programmed installation of his system, for its surveillance.