

## **DITplus Issuing Regulation**

**REGULATION FOR THE ISSUING OF A NATIONAL APPLICATION DOCUMENT -DITplus-**  
**Edition: December 2018**  
**(1<sup>st</sup> Edition: June 2005. Revision: November 2016)**

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### **I.- INTRODUCTION**

According to the Construction Products Directive (CPD 89/106/EEC), modified later in Council Directive 93/68/EEC, the Member States (MS) of the European Union (EU) approved the free movement in the EU of construction products, provided that these were considered "suitable" for the intended use. This "suitability", in the context of the CPD, meant that the products had to have such characteristics that the works where they were to be incorporated, assembled, applied or installed, could, if they had been designed and built correctly, meet a set of safety and health minimum requirements. In order to achieve the objectives, the CPD provided for the products of construction the establishment of Harmonized Standards and the European Technical Approvals, (in Spanish, Documentos de Idoneidad Técnica Europeos, DITE).

The CPD 93/68/EEC was replaced on March 9, 2011 by Regulation EU 305/2011 of Construction Products, which repealed the CPD and whose full entry into force took place the 1<sup>st</sup> July 2013.

The new CPR establishes the conditions for placing on the market or commercialization of construction products, establishing harmonized rules on how to express the performance of construction products in relation to their essential characteristics and on the use of CE marking on these products. For this, the CPR establishes two harmonized technical specifications: the Harmonized Standards (h-EN) and the European Assessment Documents (EAD) for non-products covered or not fully covered by Harmonized Standards.

The CPR is not intended to assess the fitness for use for construction products, Neither does its installation. Therefore, the performances assessed in the h-EN or ETA may not always be completely necessary to assess the fitness for intended use. For example, in the case of non-standardized products assessed through an ETA, the choice of essential characteristics to be declared corresponds to the manufacturer or ETA holder. These characteristics or performances may not be all the necessary ones to justify its fitness for the intended use. Although the CPR requires that at least one of the essential characteristics of the product that are relevant to the use or uses declared, is included in the Declaration of Performance (DoP) to be issued by the manufacturer in accordance with Chapter II of the CPR.

As it was under CPD, now even in a quite significant manner, due to what is reported in the preceding paragraph, many manufacturers (or authorized representatives, importers or distributors) of construction products may wish to assess -by competent and recognized Bodies- other performances different to those included in their DoP, based on harmonized standards or ETA, or justify better values than those required for CE marking.

On the other hand, the European Commission has shown its opinion favourable to the freedom of manufacturers (or authorized representatives, importers or distributors) of construction products to improve and consequently accredit the qualities (performances) of its products, provided that the basic requirements contained in the CE marking are respected. Being voluntary

this option, such improvements cannot be seen as a barrier to trade, since they cannot be demanded on a compulsory form.

In the same sense as indicated in the previous paragraph, the CPR indicates in its item 33 that: "(...) other markings (to the CE marking) may be used, provided that they help to improve the protection of users of construction products and are not covered by existing Union harmonisation legislation."

For all of the above, the "Union Européenne pour l'Agrément technique dans la construction" (UEAtc) developed a procedure called "*Application Document*" which, with the same approach that the National Technical Approval (DIT), aims to assess aspects (performances of the products) not covered or minimally covered by CE marking. That procedure is the base, together with the indications established in this NATIONAL APPLICATION DOCUMENT DITplus Issuing Regulation, of a National Technical Approval that due to its peculiar status of complement to the CE marking, has been called in Spain as **National Application Document (DITplus)**.

The "*National Application Document*" (DITplus) is, therefore, one more option for manufacturers, developed within the scope of the UEAtc, such as the *Euro-Agrément* or the bilateral agreement between the Italian ITC Institute and the IETcc called *Agrément Méditerranéo*. The "*National Application Document*", like other activities generated from the frame of the UEAtc, is the best example of the interest of this Organization and its members in meeting the needs and concerns of manufacturers and other agents in the construction sector interested in the quality. The consideration of the "National Application Document" (DITplus) as a generated document by the UEAtc, facilitates the recognition of the assessments carried out in the different member countries.

## **II.- PURPOSE OF THIS REGULATION**

**Article 1.** This Regulation is intended to regulate the issuing of the **National Application Document (DITplus)** by the Eduardo Torroja Construction Sciences Institute, in accordance with the general procedures on which the issuing of the National Technical Approval (DIT) is based. It was regulated by Decree nº 3652/1963 of 26 of December, of the Presidency of the Government, and Order nº 1265/1988 of December 23, of the Ministry of Relations with the Courts and the Government Secretariat.

**Article 2.** The purpose of this Regulation is, on one hand, to identify possible aspects not contemplated in the harmonized technical specifications established by the CPR for obtaining the CE marking, which can be assessed by a **DITplus** and, on the other hand, to establish the procedures that regulate its issuing (granting, validity, renewal, etc.).

## **III.- NATURE AND SCOPE OF THE DITplus**

**Article 3.** The **DITplus** aims to facilitate to the work project, execution and maintenance responsables, the use of construction product based on technical data contained in the **DITplus**.

**Article 4.** All construction products, whether they are covered by the Harmonized Standard developed by CEN, as by a European Assessment Document (EAD), may be subject to complementary assessments and voluntary quality marks, if manufacturers require them. Coexistence between voluntary and compulsory marks (CE marking, in the case of the h-EN with Annex ZA) is perfectly possible as the European Commission itself recognized in its Blue Book or Guide on implementation of directives based on the New Approach and the Global Approach, where it is recalled that:

Products may carry additional markings and marks, provided that:

- fulfill a different function other than CE marking;
- cannot create confusion regarding it; and
- do not reduce their visibility and legibility.

Many national and European associations of the different agents in the sector show your interest and recognition for voluntary marks.

The purpose of the **DITplus** is therefore: to carry out complementary assessments to the covered by a harmonized technical specification: Harmonized Standard or European Assessment Document.

**Article 5.** The CE marking is not a quality mark. The **DITplus**, like the DIT, must be considered a quality mark and, therefore, its aims are the assessment of performances or specific characteristics proposed by the manufacturers or suppliers of the products, the verification of the conformity of the specifications, the implementation in factory of an appropriate quality system or the assessment of the installation of the products or systems.

**Article 6.** In order to clarify the differences between **ETA**, **DIT** and **DITplus** the following definitions are given:

- **European Technical Assessment (ETA)**

The ETA is, by definition: *“The documented assessment of the performance of a construction product in terms of its essential characteristics, in accordance with the relevant European Assessment Document”*.

The Essential Characteristics that correspond to the basic requirements of the works of construction established by the CPR, are included in its Annex I.

- **National Technical Approval (DIT)**

*The DIT is, by definition, a favourable technical assessment by the Eduardo Torroja Construction Sciences Institute for use in building and public works of non-traditional construction materials, systems and procedures.*

The DIT is issued in accordance with the provisions of Decree nº 3652/1963 of 26 of December, of the Presidency of the Government, and Order nº 1265/1988 of December 23, of the Ministry of Relations with the Courts and the Government Secretariat, which regulate its issuing.

- **National Application Document (DITplus)**

*The DITplus is a favourable technical assessment by the Eduardo Torroja Construction Sciences Institute of the fitness for use in building and public works of a product (material, system or construction procedure) for the assigned use considering aspects not covered or complementary to those contemplated by the CE marking.*

**Article 7.** The **DITplus** can only be granted to those materials, systems or procedures of construction that meets the following conditions:

- *That they are perfectly identifiable.*
- *That they are provided for specific or unequivocal jobs.*
- *They have CE marking.*

**Article 8.** In order to issue a **DITplus**, the manufacturer must have implemented a self-control system appropriate to the type of product and particularities of its methods of production.

This self-control must allow the manufacturer to ensure the regularity and homogeneity of the manufactured product and its traceability, in order to ensure that the final performance of the product is analogous to those assessed in the **DITplus**.

**Article 9.** The **DITplus** lacks authorization character and does not imply at all, a guarantee or responsibility of the IETcc regarding the safety and conservation of the works; neither it prejudge the holder's right to manufacture the material or to exploit the procedure in case.

**Article 10.** The **DITplus** lacks administrative value, except when this later character is particularly conferred by the user, either public or private body, or simply the technician responsible for the work.

#### **IV.- VOLUNTARY OPTIONS SUBJECT TO THE DITplus**

**Article 11.** According to the contents of the different CE markings for the different products, there are numerous complementary aspects that can be the subject of the **DITplus**.

Some of these aspects may refer generically to the adequacy of the content of the CE marking in relation to national regulations. This can be highly recommended for products that have obtained the CE marking in another country of the Union European different from Spain. Other aspects may be more specific in relationship with the family of products in question.

Therefore, the content of the **DITplus** is divided into two groups of aspects to consider, all they within the voluntary option that the document supposes. The first set of aspects, given their relevance, they will always be included in the **DITplus**, while the second group will respond to the content required by the applicant or the sector in general for the type of product to assess.

**Article 12.** With the options indicated in the previous article, the **DITplus** will include:

##### **a) Aspects to necessarily include in the document**

###### **a.1 Compliance with National Regulations**

The characteristics of the product (for example: fire, durability, level of insulation, etc.) must be established taking into account the national requirements in force in our country: The **Spanish Building Regulation (LOE)** and the **Spanish Building Code (CTE)**. This is essential for designers, control technicians, etc., to be able to check and justify the conformity of the product's performance with the regulatory requirements.

The **DITplus** can indicate in relation to the content of the h-EN or the ETA:

- Aspects that may not be assessed due to having been considered as "no performance assessed".
- The validity of the data provided by the manufacturer with the requirements or national regulations.

###### **a.2 Use of the product. Installation and limitations of use**

The ETA or the Harmonized Standard do not cover - in general - aspects such as the basic requirements of installation, but it may be necessary to establish precise indications of how these are required in a Member State. In this sense, the **DITplus** must include all the necessary details for the installation in accordance with the requirements of national regulations, if any, or its prescriptions in the project. In addition, it may contain the necessary requirements for qualified personnel that carry out the installation.

When a product with notably particular characteristics is specified and used, it should be taken into account that both the form of use and the field of application, must be clearly defined considering the different possible situations.

Similarly, harmonized standards and ETA, do not always cover aspects related to the limitation of use. For certain products it may be necessary to establish use restrictions due to the estimated durability, or any other requirement, which could be called "pass/no pass" type, or may be considered some type of broader classification.

###### **a.3 Product maintenance and service conditions**

The correct maintenance of a product or adequate service conditions can have a decisive influence on their aging, durability or vulnerability. Therefore, the **DITplus** will establish, depending on the field of application planned, the conditions relating to maintenance.

##### **b) Other aspects that can be included in addition**

A non-limiting list of possible complementary aspects is given below, to be agreed in advance with the applicant, which may form part of the content of the **DITplus**.

###### **b.1 Compliance with codes of good practice and reference regulations**

In many cases, this is an extension of what has already been indicated, although this point always refers to aspects not regulated by regulation.

Currently, quite a few Organizations belonging to a Member State have their own provisions.

### **b.2 Aspects related to appearance and aesthetics**

The assessment of the maintenance of the performances established in relation to the design, to the colour, or the fitness of the colours in relation to the place of exposition of the product, or also the influence of possible tone variations, by efflorescence, waters, etc., may be of importance to designers or users.

### **b.3 Performances or characteristics superior to those required in the CPR**

The **DITplus**, for a certain product, may reveal, within the different categories that the corresponding technical specification may present, a higher level of performance, which can in turn be argued as a higher degree of product quality.

### **b.4 A higher level of conformity certification**

A manufacturer may want the assessment of its higher self-quality control system than that required by the CPR, in order to give more confidence to his customers and reduce risks related to product traceability. As for many cases like some products with DIT, DIT holders already fulfilled this higher required level. Therefore, this demand can be considered as natural, continuing an already consolidated situation.

### **b.5 Environmental and/or sustainability aspects (including life cycle analysis)**

These aspects, such as disposal, recycling and reuse methods, consumption energy, etc., which meet national requirements, legal and voluntary, are relatively recent, but have experienced spectacularly increasing interest in many countries in Europe.

### **b.6 Other aspects not covered by the CE marking**

For example,

- The evaluation of calculation methods.
- The conditions and recommendations in the elaboration of the projects.
- Risk assessment.
- Complementary unregulated aspects.
- Aspects related to quality assurance.
- Etc.

## **V.- COMMISSIONS AND COMPETENCES**

**Article 13.** The management and issuing task for **DITplus** will be regulated by the Technical Commission already established for the issuing of DIT. The formation and competencies of this Commission are those set forth in articles 8 and 9 of the Granting and Processing Regulations for DIT, established based on Ministerial Order nº 1.265 of December 23, 1988.

**Article 14.** The advisory tasks to IETcc for issuing **DITplus**, will be carried out by the Expert Commissions constituted at the request of the IETcc. These Commissions will be formed by specialists of the topics to be treated, with the established specifications in articles 10 and 11 of the Granting and Processing Regulations for DIT, established in based on Ministerial Order nº 1.265 of December 23, 1988.

## **VI.- CONDITIONS OF APPLICATION, PROCESSING, GRANTING AND DISSEMINATION**

**Article 15.** The suppliers of products, whether manufacturers, importers or their legal representatives, may apply for the **DITplus**.

**Article 16.** The application will be made in writing, using the template established for that purpose in the website of the DIT Unit and should be addressed to the IETcc Director or the secretary of the DIT Unit Secretary.

The applications will be accompanied by the necessary documentation so that the IETcc can assess whether the request can be covered by the DITplus. For this, the IETcc has include on the website of the DIT Unit the Guide for the Technical Report that can be used by the Applicant.

**Article 17.** Once the application has been received in the IETcc, and reviewed the information received, the IETcc will answer to the applicant the acceptance of the request or, if not, it will give reasoned justification for its denial.

**Article 18.** Once the application is accepted, the IETcc will proceed to the appointment of a Rapporteur (responsible researcher), among the IETcc staff, or where appropriate, according to the list of external collaborating experts recognized by the IETcc. This will be carried out in accordance with the specialty of the topic in question, in accordance with the Quality Management System established by the DIT Unit based on ISO 9001, certified by AENOR. The Rapporteur will coordinate the working group in charge of product assessment.

The Rapporteur will send the applicant a cost and time estimate for the completion of the tasks. If the manufacturer agrees with the initial forecast estimation, a Work Program will include the final budget for carrying out the work.

The Work Program content will include at least:

- Factory visit program/s.
- Program of visits to works.
- List of tests to be carried out.
- List of specifications on production control and implantation.
- List of additional information required, if applicable.
- Final cost estimation an time deadlines.

For the elaboration of the Work Program, the Rapporteur will gather, in the cases that proceed, to the Commission of Experts on the subject to be assessed.

**Article 19.** With the acceptance of the Work Program by the applicant, the IETcc will send him a contract to carry out the work.

**Article 20.** With the formalization of the contract between the IETcc and the applicant, the assessment work will begin.

**Article 21.** With the result of the assessment, the Rapporteur, with the collaboration in the aspects that corresponds to the manufacturer, will prepare a *Proforma* Document (final Draft of DITplus) that will be presented to the Commission of Experts, which will submit the issuing proposal, if applicable, to the IETcc Director.

**Article 22.** The decision to issue, review or withdraw the **DITplus**, after the file has been informed by the Commission in charge of it, corresponds solely to the IETcc Director or by his delegation to the Vice Director thereof.

**Article 23.** The **DITplus** will be constituted by the decision of the IETcc Director, the summary of the Reports and the conditions imposed for its validity.

**Article 24.** The **DITplus** will have a validity period of five years if a review process is not opened before. For documents resulting from the validation of a similar document issued by another UEAtc member body, the validity will be the same as that of the original document that is validated.

In exceptional cases, to be specified with reason, the concession period may be shorter.

**Article 25.** During the period of validity, an annual surveillance of the manufacture and, where appropriate, the installation of the product, must be carried out, in accordance with the conditions established in the DITplus Surveillance Regulation. With the favourable result of the annual surveillance, the IETcc will issue an annual certificate that must accompany the **DITplus** to validate it. If the result of the surveillance process is not favourable, the procedure indicated in the DITplus Surveillance Regulation will be followed.

**Article 26.** After five years, the **DITplus** must be renewed. For this, three months before the expiration of the validity period of the **DITplus**, the beneficiary must request the IETcc to renew it.

**Article 27.** The renewal request will expressly indicate the changes produced both in the product and in the production system, so that the IETcc determines if these changes involve a substantial modification of the product, in which case the renewal would not proceed and the request should be considered as new issuing.

**Article 28.** The **DITplus** may be revised, provisionally suspended or definitively withdrawn. when:

- The material, system or procedure shows deficiencies in use.
- The beneficiary violates the provisions of these regulations or does not comply the conditions that may appear in the Document itself.
- The original text was used improperly, or the text was modified without prior authorization.
- The holder induces or consents under the **DITplus** to use the product for any other use than that granted.
- It was intended to cover another production under the **DITplus**.
- The surveillance inspections could not be completed by the IETcc, for reasons attributable to the beneficiary of the **DITplus**, or the result of the surveillance was not favourable. In any of these cases, the IETcc Director will notify the beneficiary of the deficiencies found and will propose that the infringement be rectified within a maximum period of thirty days, following, if applicable, the provisions of the DITplus Surveillance Regulation.

**Article 29.** When the beneficiary of a DIT plus intends to modify the material, system or procedure, he must request the IETcc to open a review file.

**Article 30.** Once the DIT plus is no longer valid, any reference to it should be removed.

**Article 31.** If the beneficiary of a **DITplus** transfers by succession, donation, sale, etc., the right to manufacture or use his product, the new holder may not legally use the **DITplus** without authorization from the IETcc Director.

**Article 32.** Any decision that involves suspension or withdrawal of the **DITplus** will be disseminated at IETcc publications, as well as in other technical publications.

**Article 33.** The use of the **DITplus**, by the holder, will be adjusted to the following conditions:

- a) For your correspondence, advertising, contracts, etc., the holder may not mention the **DITplus** other than the following: **National Application Document**, or **DITplus**, granted by the Eduardo Torroja Construction Sciences Institute, indicating below the use for which it is intended, issuing date (day/month/year), number, and, if applicable, the specific conditions for its granting.
- b) The holder is obliged to make available to the users the full text, both of the Document and of its annexes and annual surveillance certificate. Likewise, when marking the products, for which the **DITplus** has been granted, it will be added anagram of the **DITplus** (according to the model that will be by IETcc) and the assigned number for the issued Document.
- c) For its use for advertising purposes, the IETcc will deliver to the **DITplus** holder a copy of the document in electronic support and, in addition, it will make free publication on paper, according to the established format, of a number to be determined of copies of the

Document for its dissemination by the IETcc and by the petitioner. If the petitioner wants a larger number of copies, he must expressly request it. The cost of additional copies will be additionally priced.

- d) The paper publication by the applicant may not vary any aspect of those defined in the electronic support (pdf) published by the IETcc. For the modification of any aspect of the Document, in electronic or paper support, the prior written authorization of the IETcc will be necessary.

**Article 34.** The IETcc will disseminate information on the **DITplus** on its website, whether they are grants, renewals, cancellations or any other aspect that may be considered of interest to the sector.

## **VII.- FINANCIAL REGIME**

**Article 35.** The expenses originated as a consequence of the issuing, revision or renewal of the **DITplus** will be borne entirely by the petitioner. The expenses must be paid by the petitioner regardless of the result, that is, whether or not there is an issuing and within the terms established in the grant, revision or renewal contract.