Council of the European Union

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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 November 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2026) 7917 final
Subject:	COMMISSION DELEGATED REGULATION (EU) …/... of 10.11.2026 supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by laying down the conditions for the classification without testing of certain products as regards their reaction to fire performance

Delegations will find attached document C(2026) 7917 final.

Encl.: C(2026) 7917 final

EUROPEAN
COMMISSION

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COMMISSION DELEGATED REGULATION (EU) …/...

of 10.11.2026

supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by laying down the conditions for the classification without testing of certain products as regards their reaction to fire performance

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2024/3110 of the European Parliament and of the Council[1] empowers the Commission to supplement those Regulation by laying down conditions under which a product is to be deemed to qualify for a class of performance without testing as regards their reaction to fire.

Deemed-to-satisfy provisions for the declaration of reaction to fire of products were established under Regulation (EU) No 305/2011[2]. Regulation (EU) 2024/3110 does not provide any provision in relation to the use of deemed-to-satisfy provisions established under Regulation (EU) No 305/2011. Therefore, it is necessary to establish them under Regulation (EU) 2024/3110 to ensure manufactures benefit from the less onerous approach provided by these provisions and are not required to perform unnecessary testing.

Some of the existing decisions and delegated acts under Regulation (EU) No 305/2011 established conditions linked to the content of harmonised product standards. Considering that these standards are not valid references under Regulation (EU) 2024/3110, this delegated act only include references to products in relation to the materials they are made of.

Continuous glowing combustion constitutes a property of materials related to their reaction to fire performance. However, this delegated act is limited to establishing deemed-to-satisfy provisions already provided for under Regulation (EU) No 305/2011. Accordingly, the present act does not address deemed-to-satisfy provisions concerning continuous glowing combustion. Such provisions may be established in future delegated acts adopted pursuant to Regulation (EU) 2024/3110.

Deemed-to-satisfy provisions are applicable to products covered by harmonised technical specifications and European assessment documents.

More specific deemed-to-satisfy provisions may be developed in other delegated acts including but not restricted to reaction to fire performance.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft regulation was discussed in the meeting of the CPR Acquis Expert Group on 22nd January 2026, followed by a written consultation of experts between 22nd January 2026 and 22nd February 2026. Before this step, all Member States had the opportunity to nominate experts to participate. In addition to these experts, also other external experts and stakeholders were consulted.

The documents relevant to the consultation were transmitted simultaneously to the European Parliament and to the Council as required in the Common Understanding on delegated acts. The observations presented in these contexts were taken into account when preparing the final draft version of this act for interservice consultation.

The draft regulation was published for public feedback on the Better Regulation Portal from 20 July to 17 August. The feedback collected was taken into account when preparing the final version of the act.

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1 OJ L, 2024/3110, 18.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3110/oj.

2 OJ L 88, 4.4.2011, p. 5–43, ELI: http://data.europa.eu/eli/reg/2011/305/oj.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Pursuant to Article 5(6), of Regulation (EU) 2024/3110, the Commission is empowered to supplement those Regulation by laying down conditions under which a product is to be deemed to satisfy a certain level, threshold level or to qualify for a class of performance without testing, or without further testing.

Classes of performance in relation to the essential characteristic reaction to fire were established by Commission Delegated Regulation (EU) 2026/331[3].

Taking into consideration the technical content established under Regulation (EU) No 305/2011, this delegated act provides conditions under which a product is to be deemed to qualify for a class of performance without testing as regards its reaction to fire.

This Regulation conforms to the principle of proportionality. It ensures continuity with the implementation of Regulation (EU) 305/2011 and Regulation (EU) 2024/3110.

[3] Commission Delegated Regulation (EU) 2026/331 of 13 February 2026 supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by determining classes of performance in relation to the essential characteristic reaction to fire (OJ L, 2026/331, 21.4.2026, ELI: http://data.europa.eu/eli/reg_del/2026/331/oj).

COMMISSION DELEGATED REGULATION (EU) …/...

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supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by laying down the conditions for the classification without testing of certain products as regards their reaction to fire performance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011[1], and in particular Article 5(6) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) 2026/331[2] establishes classes of performance in relation to the essential characteristic reaction to fire.

(2) Under Regulation (EU) No 305/2011 of the European Parliament and of the Council[3] Commission Decision 96/603/EC[4] lists construction products which are deemed to have a stable and predictable performance as regards their reaction to fire, provided that they are made of certain materials and meet certain conditions. However, such list does not apply under Regulation (EU) 2024/3110. Therefore, in order to keep the continuity of the system, the CPR Acquis Expert Group advised the Commission to establish similar provisions under Regulation (EU) 2024/3110.

(3) For the purposes of classification in accordance with Commission Delegated Regulation (EU) 2026/331, a list of products should therefore be deemed to satisfy the relevant reaction to fire performance classes without testing.

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1 OJ L, 2024/3110, 18.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3110/oj.

2 Commission Delegated Regulation (EU) 2026/331 of 13 February 2026 supplementing Regulation (EU) 2024/3110 of the European Parliament and of the Council by determining classes of performance in relation to the essential characteristic reaction to fire (OJ L, 2026/331, 21.4.2026, ELI: http://data.europa.eu/eli/reg_del/2026/331/oj).

3 Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, pp. 5–43, ELI: http://data.europa.eu/eli/reg/2011/305/oj).

4 Commission Decision 96/603/EC of 4 October 1996 establishing the list of products belonging to Classes A 'No contribution to fire' provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (OJ L 267, 19.10.1996, pp. 23–26, ELI: http://data.europa.eu/eli/dec/1996/603/oj)

HAS ADOPTED THIS REGULATION:

Article 1

Products made exclusively from one or more than one of the materials listed in the Annex shall be deemed to satisfy class A1, class $A1_{FL}$ and class $A1_{L}$ as defined in Delegated Regulation (EU) 2026/331.

Products made by gluing one or more than one of the materials listed in the Annex shall be deemed to satisfy class A1, class $A1_{FL}$ and class $A1_{L,}$ provided that the glue does not exceed 0,1% by weight or volume of the product, whichever is the most onerous.

Products made by coating one of the materials listed in the Annex with an inorganic layer shall be deemed to satisfy class A1, class $A1_{FL}$ and class $A1_{L}$.

Products made from one or more than one of the materials listed in the Annex and at least one organic layer other than glue shall not be deemed to satisfy class A1, class $A1_{FL}$ and class $A1_{L}$.

Products made from one or more than one of the materials listed in the Annex in which organic material other than glue is not homogenously distributed shall not be deemed to satisfy class A1, class $A1_{FL}$ and class $A1_{L}$.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10.11.2026

For the Commission
The President
Ursula VON DER LEYEN