



REPORT ASSESSING THE IMPACT OF THE MEASURES PROPOSED IN THE DRAFT ORDER APPROVING NEW SUPPLEMENTARY TECHNICAL INSTRUCTIONS ON FIRE PREVENTION AND SAFETY IN ESTABLISHMENTS, ACTIVITIES, INFRASTRUCTURES AND BUILDINGS, WITHIN THE SCOPE OF THE FIRE SAFETY REGULATIONS FOR INDUSTRIAL ESTABLISHMENTS (RSCIEI).

Article 64 of Law 26/2010, of 3 August, on the legal and procedural arrangements of the public administrations of Catalonia establishes that draft regulatory provisions must be accompanied, inter alia, by a report assessing the impact of the proposed measures, which must have the content established by regulation and, in any case, include at least the following reports:

- a budgetary impact report;
- an economic and social impact report;
- a regulatory impact report; and
- a gender impact report.

In order to comply with this provision, the report on the assessment of the impact of the measures proposed in the draft order approving new supplementary technical instructions on fire prevention and safety in establishments, activities, infrastructures and buildings, within the scope of the RSCIEI, has been drawn up, which follows the “*Recommendations on the report on the assessment of the impact of the proposed measures: outline of contents*”, which have been issued by the Government Office of the Department of the Presidency with the aim of establishing the indicative outline of the contents of this report, until the corresponding regulatory deployment is available.

1. Context analysis and identification of regulatory options

a) Identification of the problem

Article 13 of Law 3/2010, of 18 February, on fire prevention and safety in establishments, activities, infrastructure and buildings establishes that: “*The conditions for fire prevention and safety are those established in the technical regulations issued for this purpose*”.



In addition, Articles 14 and 15 of that law establish the following:

“Article 14. Technical regulations

- 1. It is for the Government, on a proposal from the department responsible for fire prevention and firefighting, to issue technical regulations for fire prevention and safety.*
- 2. The technical regulations referred to in paragraph 1 establish, develop and supplement measures applicable to fire prevention and safety”.*

“Article 15. Additional technical instructions

- 1. Technical regulations for fire prevention and safety may be developed by means of additional technical instructions, including those of a regulatory nature.*
- 2. The complementary technical instructions referred to in paragraph 1 are approved by order of the minister of the department responsible for fire prevention and firefighting and must be published in the Official Journal of the Generalitat de Catalunya”.*

Currently, the technical regulations in this field are primarily contained in the Fire Safety Regulations for Industrial Establishments (RSCIEI), approved by Royal Decree 2267/2004, of 3 December, and in the Technical Building Code (CTE), approved by Royal Decree 314/2006, of 17 March, and its subsequent amendments and corrections. However, Article 14 allows for the adoption of new technical regulations if necessary.

However, it should be borne in mind that the technical regulations determining the conditions for prevention and safety in the event of fire in buildings and infrastructure are complex and sometimes lead to different interpretations on the same aspect. On the other hand, the so-called "fire engineering", which refers to the sectors that research and develop the materials, systems, equipment and appliances that contribute to a higher level of safety in buildings, is constantly providing technical solutions to aspects related to fire prevention and fire safety, which are then intended to be adopted in the design of buildings and infrastructures. These developed solutions have to fit into the existing technical regulatory framework, either prescriptively or performance-wise.



b) Establishment of objectives

Taking into account the issues identified, the objectives underpinning the proposed policy intervention are as follows:

- To determine the interpretation and specific specification of aspects related to fire prevention and fire safety contained in the current technical regulations on fire safety in industrial establishments and to supplement or adjust the safety conditions necessary in certain types of buildings or establishments according to their specific risk.
- To ensure uniformity of criteria in the aforementioned aspects and to extend it to all agents involved in construction¹ and in the adoption of these interpretations and technical specifications, including technical designers and site or installation managers and the technical staff of the Administrations and of the Administration's Collaborating Entities that carry out preventive controls in this area.
- To facilitate the understanding, interpretation and application of the technical regulations for all the above-mentioned actors and, consequently, to improve the effectiveness of the safety measures implemented in industrial establishments in the event of an accident.

c) Identification of regulatory options

On the basis of the issues identified above, it should be noted that the proposed regulation is motivated precisely by the need to make an express regulatory intervention with the aim of specifying, clarifying or technically supplementing the content of certain aspects already regulated in the fire safety regulations for industrial establishments.

The "do nothing" option would therefore mean maintaining the uncertainty that has now been identified with regard to the aspects of the technical regulation to be specified or supplemented. For this reason, the non-regulatory options are discarded and, within the regulatory options, the issues detected and the objectives set out above mean that the regulatory option is configured along the lines of the proposed draft order, following the same systematic approach used in 2012, which led to the approval and publication of Order INT/322/2012, of 11 October, approving the supplementary technical instructions to the fire safety regulations in industrial establishments (RSCIEI).

¹ This refers to the construction agents determined by Law 38/1999, of 5 November, on the Building Regulations.



2. Analysis of the impact of the regulatory options considered

a. Report on budgetary impact

From a budgetary point of view, the draft Order does not entail any increase in costs.

With regard to the repercussions of the regulatory provision on the Generalitat's personnel and material resources and budgets, it must be said that it does not affect the budget of the Generalitat de Catalunya, as the modification proposed by the order does not require an increase in staffing or personnel.

b. Report on economic and social impact

From the perspective of the economic and social impact, it is necessary to assess the costs and benefits that the draft provision entails for its recipients and for the social and economic reality.

With regard to the repercussion on the economic reality of the technical measures indicated in each of the Supplementary Technical Instructions that it is intended to approve with the proposed draft order, it should be considered that either they are not additional measures to those already required by the current technical regulation but have a positive repercussion on the legal security of the sector (in the case of the instructions dedicated to defining the actions of certain building agents, or the instructions dedicated to clarifying the application of the current regulations), or they are specific safety measures whose incorporation into a project does not produce a significant increase in investment over the total investment in the installation or work, and on the contrary, make it possible to avoid important safety defects in establishments, thus better protecting people and material goods, in accordance with the experience gathered by the public fire prevention, firefighting and rescue services. These are therefore measures that optimise the safety of the owner or persons in the social sphere of property's use, and ultimately also make it possible to avoid irreparable losses and at the same time avoid the significant financial costs arising from the claims.

c. Regulatory impact report

Article 64(3)(c) of Law 26/2010, of 3 August, on the legal and procedural arrangements of the public administrations of Catalonia and Article 4 of Decree 106/2008, of 6 May, on measures to eliminate formalities and simplify procedures to facilitate economic activity, provide, as part of the documentation that must accompany proposals for general provisions, the regulatory impact report, which assesses the impact of the measures proposed by the regulatory provision in terms of regulatory options, administrative simplification and reduction of administrative burdens for citizens and businesses.



In accordance with Article 64(3)(c) of Law 26/2010, of 3 August, on the legal and procedural arrangements of the public administrations of Catalonia, and Agreement GOV/63/2010, of 13 April, approving the Guide to Good Practice for drawing up and revising legislation affecting economic activity, it should be noted that the economic sector that may be affected by the draft Order consists of the owners of the properties or installations referred to in the corresponding Supplementary Technical Instructions of the RSCIEI.

On the other hand, it must also be said that some of these Supplementary Technical Instructions may establish material or substantive obligations, but they do not entail an increase in administrative burdens, given that the system of administrative intervention for the legalisation of works or economic activities is not increased.

In short, the Supplementary Technical Instructions which are the subject of this draft Order do not directly and by themselves establish administrative burdens on economic activity related to establishments, activities, infrastructure and buildings that constitute the scope of application.

d. Report on gender impact

Decree 162/2002, of 28 May, amending Decree 107/1987, of 13 March, regulating the use of official languages by the Administration of the Generalitat de Catalunya, with a view to promoting the use of simplified and non-discriminatory language and standardised Catalan terminology, states that, in the use of official languages, the Administration of the Generalitat must use, with correction, direct and simplified language and must avoid the use of discriminatory and androcentric forms. In order to comply with this provision, the drafting of this draft order responds to the desire to use neutral and non-sexist language.

On the other hand, it must be stressed that the measures contained in the draft order approving new supplementary technical instructions to the RSCIEI do not imply in the abstract a different impact on men and women.

3. Comparison of the regulatory options considered.

Given that the proposal for regulatory intervention by means of Complementary Technical Instructions approved by orders of the Minister of the Interior is the regulatory option best suited to the objectives set out above, it only remains to be seen that this option respects the principles of good regulation in the sense that:

- this is a necessary regulation in order to provide greater specificity and clarity in the interpretation and application of the technical regulation (RSCIEI) by the different building agents and, at the same time, its content is proportionate to the aim of ensuring the correct application of the most appropriate fire safety



measures in each case and, therefore, to achieve a more optimal level of material safety in the event of fire in buildings;

- it ensures uniformity of criterion, providing greater coherence and effectiveness and simplifying the actions of the various actors involved;
- It makes the content of the Supplementary Technical Instructions legally binding, introducing greater legal certainty for all the actors and agents involved: developers, public administrations, competent technicians and professional associations in the fields of works and activities, entities collaborating with the Administration in the field of fire prevention, etc.

4. Implementation, monitoring and evaluation of the standard.

On this point, it is necessary to start from the premise that the regulation proposed for approval derives precisely from the application of mechanisms for monitoring and evaluating the application of the technical regulations of origin (arising from their application by the technical staff of the administrations and the rest of the agents and from the analysis and intercommunication between the different operators), mechanisms which, in a first phase, gave rise to Order INT/322/2012, of 11 October, and which now make it necessary to approve a new group of Supplementary Technical Instructions to the RSCIEI.

Therefore, having noted the effectiveness of this mechanism, it is considered appropriate to maintain its application, both with regard to the content of the proposed draft order and the parent technical regulation.

The Director-General for Fire Prevention, Firefighting and Rescue.