

Raccolta documentazione integrativa del convegno:

La marcatura CE è alle porte

Direttiva 89/106 CEE- Prodotti per le costruzioni

SAIE 2001 – 19 ottobre 2001 :

Elenco documentazione normativa :

- **Testo Direttiva 89/106 CEE**
- **Guidance Paper A** : Guida per la designazione Enti Notificati per la CPD
- **Guidance Paper E** : levels and classes in the construction products directive
- **Guidance Paper J** : Norme transitorie per l'applicazione della Direttiva
- **Elenco Mandati per la CPD** (al settembre 2001)
- **Elenco Comitati tecnici CEN** (al settembre 2001)
- **Elenco norme armonizzate CEN al settembre 2001**

Direttiva 89/106 sui prodotti da costruzione

Fonte: Gazzetta Ufficiale n. L 040 del 11/02/89 pag. 0012

DIRETTIVA DEL CONSIGLIO

del 21 dicembre 1988

relativa al ravvicinamento delle disposizioni legislative, regolamentari e amministrative degli Stati membri concernenti i prodotti da costruzione (89/106/CEE).

Avvertenza: Per agevolare la lettura, riportiamo qui di seguito il testo della direttiva 89/106 integrato con le modifiche apportate dalla dir. 93/68. Le parti modificate sono segnalate in rosso.

Ricordiamo che comunque fanno fede esclusivamente i testi pubblicati sulla Gazzetta Ufficiale delle Comunità Europee.

IL CONSIGLIO DELLE COMUNITA EUROPEE,

visto il trattato che istituisce la Comunità economica europea, in

particolare l'articolo 100 A,

vista la proposta della Commissione (1),

in cooperazione con il Parlamento europeo (2),

visto il parere del Comitato economico e sociale (3),

considerando che spetta agli Stati membri assicurarsi che sul proprio territorio le opere di edilizia e di ingegneria civile siano concepite e realizzate in modo da non compromettere la sicurezza delle persone, degli animali domestici e dei beni, pur soddisfacendo altri requisiti essenziali nell'interesse generale:

considerando che negli Stati membri esistono disposizioni che fissano requisiti concernenti non soltanto la sicurezza delle opere, ma anche la salute, la durabilità, i risparmi energetici, la tutela dell'ambiente, aspetti economici ed altri aspetti importanti per il pubblico interesse;

considerando che tali requisiti, che sono spesso oggetto di disposizioni nazionali legislative, regolamentari, amministrative, hanno un'influenza diretta sulla natura dei prodotti impiegati nella costruzione e sono ripresi nelle norme nazionali, nei benestare tecnici ed in altre specificazioni e disposizioni

tecniche che, per la loro diversità, ostacolano gli scambi all'interno della Comunità;

considerando che il Libro bianco per il completamento del mercato interno, approvato dal Consiglio europeo del giugno 1985, precisa al punto 71 che nell'ambito della politica generale si porrà particolarmente l'accento su alcuni settori ed in particolare su quello della costruzione; che l'eliminazione degli ostacoli tecnici nel settore della costruzione, nell'ambito in cui questi non possono essere eliminati con il reciproco riconoscimento dell'equivalenza tra tutti gli Stati membri, deve conformarsi ai nuovi orientamenti previsti dalla risoluzione del Consiglio del 7 maggio 1985 (4) la quale comporta la definizione di requisiti essenziali relativi alla sicurezza e ad altri aspetti importanti ai fini del benessere generale, senza ridurre i giustificati livelli di protezione in vigore negli Stati membri;

considerando che i requisiti essenziali costituiscono al contempo i criteri generali ed i criteri specifici che devono soddisfare le opere di costruzione e che essi devono essere interpretati nel senso che le opere di costruzione devono essere conformi, con un congruo grado di sicurezza, a uno o molti dei suddetti requisiti, o a tutti, se e quando ciò sia previsto nella regolamentazione;

considerando che, come base per le norme armonizzate o altri requisiti tecnici a livello europeo e per la stesura o la concessione del benestare tecnico europeo, saranno istituiti documenti (documenti interpretativi) al fine di dare forma concreta, a livello tecnico, ai requisiti essenziali;

considerando che tali requisiti essenziali costituiscono la base per la elaborazione di norme armonizzate a livello europeo in materia di prodotti di costruzione; che, al fine di dare un maggiore contributo ad un mercato interno unico, di aprire al maggior numero possibile di produttori l'accesso a tale mercato, di garantire la massima trasparenza del mercato e creare i presupposti per una normativa globale armonizzata a livello europeo nel settore della costruzione, devono essere istituite al più presto per quanto possibile norme armonizzate; che tali norme sono fissate da organismi privati e devono conservare carattere di testi non imperativi; che a tal fine il Comitato europeo per la standardizzazione (CEN) e il Comitato europeo di normalizzazione elettrotecnica (CENELEC) sono riconosciuti come gli organismi competenti ad adottare norme armonizzate conformemente agli orientamenti generali per la cooperazione tra la Commissione e questi due organismi stipulati il 13 novembre 1984; che, ai fini della presente direttiva, per norma armonizzata si intende un requisito tecnico

(norma europea o documento armonizzato) adottato da uno di questi organismi o da entrambi, su mandato della Commissione, conformemente alla direttiva 83/189/CEE del Consiglio, del 28 marzo 1983, che prevede una procedura d'informazione nel settore delle norme e delle regolamentazioni tecniche (5): considerando che la natura particolare dei materiali da costruzione richiede una precisa formulazione di queste norme armonizzate: che è pertanto necessario redigere documenti interpretativi per stabilire la connessione tra norme e requisiti essenziali: che le norme armonizzate, espresse per quanto possibile in termini di rendimento dei prodotti, tengono conto di questi documenti interpretativi che sono elaborati in cooperazione con gli Stati membri;

considerando che i livelli di rendimento e i requisiti che i prodotti dovranno soddisfare negli Stati membri devono essere distinti in categorie nei documenti interpretativi e nelle specificazioni tecniche armonizzate, in modo da tener conto dei vari livelli dei requisiti essenziali a cui devono soddisfare talune opere e delle condizioni diverse esistenti negli Stati membri;

considerando che le norme armonizzate dovrebbero comprendere classificazioni che permettano di continuare ad immettere sul mercato i materiali da costruzione che soddisfino i requisiti essenziali e che siano legittimamente prodotti ed utilizzati in conformità alle tradizioni tecniche giustificate dalle locali condizioni climatiche e da altre considerazioni;

considerando che un prodotto è considerato idoneo all'uso se è conforme a una norma armonizzata, a un benessere tecnico europeo o ad una specificazione tecnica non armonizzata riconosciuta a livello comunitario;

che quando i prodotti non hanno grande importanza ai fini dei requisiti essenziali e si discostano dalle specificazioni tecniche esistenti, la loro idoneità all'uso può essere certificata da un organismo riconosciuto;

considerando che i prodotti in tal modo considerati come idonei all'uso sono facilmente riconoscibili dal marchio CE; che essi devono poter circolare ed essere utilizzati liberamente, conformemente alla loro destinazione, in tutta la Comunità;

considerando che, nel caso di prodotti per cui le norme europee non possono essere fissate o previste entro un termine ragionevole, o di prodotti che si discostano in modo sostanziale dalle norme, l'idoneità all'uso può essere dimostrata da benessere tecnici europei rilasciati sulla base di direttive comuni; che le direttive comuni per il rilascio dei benessere tecnici europei saranno adottate sulla base dei documenti

interpretativi;

considerando che, in assenza di norme armonizzate di benessere tecnici europei, le specificazioni nazionali o altre specificazioni tecniche non armonizzate possono essere riconosciute sufficienti quale congrua base per far presumere che i requisiti essenziali siano soddisfatti;

considerando che è necessario assicurare la conformità dei prodotti alle norme armonizzate e ai benessere tecnici non armonizzati riconosciuti a livello europeo attraverso procedure di controllo di produzione applicate dai fabbricanti, e procedure di controllo, di prova e di certificazione applicate da terzi indipendenti e qualificati o dai fabbricanti stessi;

considerando che occorre prevedere una procedura speciale come misura provvisoria per quei prodotti per cui non esistano ancora norme o benessere tecnici riconosciuti a livello europeo; che tale procedura deve facilitare il riconoscimento dei risultati delle prove effettuate in un altro Stato membro conformemente ai requisiti tecnici dello Stato membro di destinazione;

considerando che conviene istituire un comitato permanente della costruzione composto di esperti designati dagli Stati membri ed incaricato di fornire assistenza alla Commissione sulle questioni correlate con l'attuazione e l'applicazione pratica della presente direttiva;

considerando che la responsabilità degli Stati membri sul loro territorio per quanto concerne la sicurezza, la salute e gli altri aspetti inerenti ai requisiti essenziali dovrebbe essere riconosciuta in una clausola di salvaguardia la quale preveda misure di protezione adeguate,

HA ADOTTATO LA PRESENTE DIRETTIVA:

CAPITOLO I

Campo di applicazione - Definizioni - Requisiti

Specificazioni tecniche - Libera circolazione delle merci

Articolo 1

1. La presente direttiva si applica ai materiali da costruzione nella misura in cui valgano per essi i requisiti essenziali relativi alle opere previsti all'articolo 3, paragrafo 1.

2. Ai fini della presente direttiva, per "materiale da costruzione" s'intende qualsiasi prodotto fabbricato al fine di essere permanentemente incorporato in opere di costruzione, le quali comprendono gli edifici e le opere d'ingegneria civile.

I "materiali da costruzione" sono in appresso denominati "prodotti"; le opere di costruzione, le quali comprendono gli edifici e le opere d'ingegneria civile sono in appresso denominate "opere".

Articolo 2

1. Gli Stati membri prendono le misure necessarie per far sì che i prodotti di cui all'articolo 1 destinati ad essere impiegati in opere possano essere immessi sul mercato solo se idonei all'impiego previsto, se hanno cioè caratteristiche tali che le opere in cui devono essere inglobati, montati, applicati o installati possano, se adeguatamente progettate e costruite, soddisfare i requisiti essenziali di cui all'articolo 3, se e nella misura in cui tali opere siano soggette a regolamentazioni che prevedano tali requisiti.

2. a) Qualora i prodotti siano disciplinati da altre direttive comunitarie relative ad aspetti differenti e che prevedono l'apposizione della marcatura CE di conformità di cui all'articolo 4, paragrafo 2, questa indica, in detti casi, che i prodotti si presumono soddisfare anche le disposizioni di queste altre direttive.

b) Tuttavia, nel caso in cui una o più delle suddette direttive lascino al fabbricante la facoltà di scegliere il regime da applicare durante un periodo transitorio, la marcatura CE indica soltanto la conformità alle direttive applicate dal fabbricante. In tal caso, i riferimenti a queste direttive pubblicati nella Gazzetta ufficiale delle Comunità europee, sono riportati nei documenti, nelle avvertenze o nei fogli di istruzione previsti dalle suddette direttive e che accompagnano i prodotti.

3. Qualora una direttiva futura riguardi soprattutto altri aspetti e solo in minor misura i requisiti essenziali definiti nella presente direttiva essa deve contenere disposizioni che assicurino che essa copre anche i requisiti previsti nella presente direttiva.

4. La presente direttiva non pregiudica il diritto degli Stati membri di prescrivere - nel rispetto del trattato - i requisiti che essi reputino necessari per assicurare la protezione dei lavoratori nell'utilizzazione dei prodotti, purché ciò non implichi una modifica dei prodotti, non prevista nella presente direttiva.

Articolo 3

1. I requisiti essenziali applicabili alle opere e suscettibili di influenzare le caratteristiche tecniche di un prodotto sono enunciati in termini di obiettivi nell'allegato I. Questi requisiti possono essere applicabili tutti, alcuni o soltanto uno; essi

devono essere soddisfatti per una durata di esercizio economicamente ragionevole.

2. Per tener conto di eventuali differenze di condizioni geografiche o climatiche o di abitudini di vita, nonché dei diversi livelli di protezione esistenti sul piano nazionale, regionale o locale, ciascun requisito essenziale può dar luogo alla fissazione di classi di prestazione nei documenti di cui al paragrafo 3 e nelle specificazioni tecniche di cui all'articolo 4.

3. I requisiti essenziali sono precisati in documenti (documenti interpretativi) destinati a stabilire i collegamenti necessari tra i requisiti essenziali di cui al paragrafo 1 e i mandati di normalizzazione, i mandati per orientamenti per il benessere tecnico europeo oppure il riconoscimento di altre specificazioni tecniche ai sensi degli articoli 4 e 5.

Articolo 4

1. Ai fini della presente direttiva per "specificazioni tecniche" si intendono le norme e i benessere tecnici. Ai fini della presente direttiva per "norme armonizzate" si intendono le specificazioni tecniche adottate dal CEN o CENELEC o da entrambi su mandato della Commissione, conferito conformemente alla direttiva 83/189/CEE, sulla base di un parere formulato dal comitato permanente della costruzione, e secondo gli orientamenti generali riguardanti la cooperazione tra la Commissione e i due organi suddetti, firmati il 13 novembre 1984.

2. Gli Stati membri presumono idonei al loro impiego i prodotti che consentono alle opere in cui sono utilizzati, se adeguatamente progettate e costruite, di soddisfare i requisiti essenziali di cui all'articolo 3 qualora i suddetti prodotti rechino la marcatura CE che indica che essi soddisfano tutte le disposizioni della presente direttiva, comprese le procedure di valutazione di conformità previste al capitolo V e la procedura prevista al capitolo III. La marcatura CE attesta:

a) che sono conformi alle relative norme nazionali in cui sono state trasposte le norme armonizzate, i cui estremi sono stati pubblicati nella Gazzetta ufficiale delle Comunità europee. Gli Stati membri pubblicano gli estremi di tali norme nazionali:

b) che sono conformi ad un benessere tecnico europeo rilasciato secondo la procedura di cui al capitolo III, oppure

c) che sono conformi alle specificazioni tecniche di cui al paragrafo 3 nella misura in cui non esistano specificazioni armonizzate: un elenco di tali specificazioni nazionali è redatto secondo la procedura prevista all'articolo 5, paragrafo 2.

3. Gli Stati membri possono comunicare alla Commissione i testi delle rispettive specificazioni tecniche nazionali, che essi considerano conformi ai requisiti essenziali di cui all'articolo 3. La Commissione trasmette immediatamente tali specificazioni tecniche nazionali agli altri Stati membri. Conformemente alla procedura di cui all'articolo 5, paragrafo 2, essa informa gli Stati membri delle specificazioni tecniche nazionali che si presumono conformi ai requisiti essenziali di cui all'articolo 3.

Tale procedura è avviata e seguita dalla Commissione di concerto con il comitato di cui all'articolo 19.

Gli Stati membri pubblicano gli estremi di tali specificazioni tecniche. La Commissione li pubblica anche nella Gazzetta ufficiale delle Comunità europee.

4. Qualora il fabbricante o il suo mandatario stabilito nella Comunità non abbia applicato o abbia applicato solo in parte le esistenti specificazioni tecniche che sono menzionate al paragrafo 2 o secondo cui, conformemente ai criteri enunciati all'articolo 13, paragrafo 4, il prodotto deve fare l'oggetto di una dichiarazione di conformità quale quella definita all'allegato III, punto 2 ii), seconda e terza possibilità, allora si applicano le decisioni corrispondenti prese in virtù dell'articolo 13, paragrafo 4 e dell'allegato IV e l'idoneità all'impiego di tale prodotto, ai sensi dell'articolo 2, paragrafo 1, è stabilita secondo la procedura fissata all'allegato III, punto 2 ii), seconda possibilità.

5. La Commissione, in consultazione con il comitato di cui all'articolo 19, elabora, gestisce e rivede periodicamente un elenco di prodotti che hanno implicazioni minori per la salute e la sicurezza e che possono essere immessi sul mercato sulla base di una dichiarazione di conformità alle "regole dell'arte" rilasciata dal fabbricante.

6. La marcatura CE indica che i prodotti soddisfano i requisiti di cui ai paragrafi 2 e 4. Spetta al fabbricante o al suo mandatario stabilito nella Comunità assumere la responsabilità di apporre la marcatura CE sul prodotto stesso, su un'etichetta apposta sul prodotto, sul suo imballaggio o sui documenti commerciali che lo accompagnano.

Articolo 5

1. Qualora uno Stato membro o la Commissione ritenga che le norme armonizzate o i benestare tecnici europei di cui all'articolo 4, paragrafo 2, lettere a) e b), oppure i mandati di cui al capitolo II non soddisfino le disposizioni degli articoli 2 e 3, lo Stato membro o la Commissione adiscono il comitato di

cui all'articolo 19 ed espongono i propri motivi. Il comitato esprime un parere con urgenza. Alla luce del parere del suddetto comitato e previa consultazione del

comitato istituito dalla direttiva 83/189/CEE se si tratta di norme armonizzate, la Commissione indica agli Stati membri se le norme o i benestare in questione debbano essere ritirati o no dalle pubblicazioni di cui all'articolo 7, paragrafo 3.

2. Una volta ricevuta la comunicazione di cui all'articolo 4, paragrafo 3, la Commissione consulta il comitato di cui all'articolo 19. Alla luce del parere del suddetto comitato, la Commissione indica agli Stati membri se la specificazione tecnica in questione debba beneficiare o no della presunzione di conformità e, in tal caso, pubblica un estratto in tal senso nella Gazzetta ufficiale. Qualora la Commissione o uno Stato membro ritenga che una specificazione tecnica non soddisfi più i requisiti necessari per la presunzione di conformità alle disposizioni degli articoli 2 e 3, la Commissione consulta il comitato di cui all'articolo 19. Alla luce del parere del suddetto comitato, la Commissione indica agli Stati membri se la specificazione tecnica nazionale in questione debba continuare o no a beneficiare della presunzione di conformità e, in caso contrario, se debba essere ritirato il relativo estratto di cui all'articolo 4, par. 3.

Articolo 6

1. Gli Stati membri non ostacolano la libera circolazione, l'immissione sul mercato o l'utilizzazione nel proprio territorio di prodotti che soddisfano le disposizioni della presente direttiva. Gli Stati membri provvedono affinché l'utilizzazione di tali prodotti ai fini cui sono destinati non venga proibita da norme o condizioni imposte da organismi pubblici o privati, che agiscono sotto forma di impresa pubblica o di organismo pubblico, in base ad una posizione di monopolio.

2. Gli Stati membri consentono tuttavia che i prodotti non contemplati dall'articolo 4, paragrafo 2, siano immessi sul mercato nel proprio territorio, se soddisfano prescrizioni nazionali conformi al trattato, fintantoché le specificazioni tecniche europee di cui ai capitoli II e III dispongano diversamente. La Commissione ed il comitato di cui all'articolo 19 seguono e rivedono periodicamente l'evoluzione delle specificazioni tecniche europee.

3. Qualora le pertinenti specificazioni tecniche europee facciano una distinzione esse stesse o sulla base di documenti interpretativi previsti all'articolo 3, paragrafo 3, tra diverse categorie corrispondenti a diversi livelli di prestazione, gli Stati

membri possono determinare i livelli di prestazione da osservare anche nel proprio territorio soltanto nell'ambito delle classificazioni adottate a livello comunitario o soltanto utilizzando tutte, alcune o una sola categoria.

CAPITOLO II

Norme armonizzate

Articolo 7

1. Per garantire la qualità delle norme armonizzate per i prodotti, tali norme sono elaborate dagli organismi europei di normalizzazione in base a mandati loro conferiti dalla Commissione conformemente alla procedura prevista nella direttiva 83/189/CEE e previa consultazione del comitato di cui all'articolo 19 conformemente alle disposizioni generali relative alla cooperazione tra la Commissione e detti organismi firmata il 13 novembre 1984.

2. Le norme così stabilite devono essere espresse nella misura del possibile in termini di requisiti di prestazione dei prodotti tenendo conto dei documenti interpretativi. Quando le norme sono state elaborate dagli organismi europei di normalizzazione la Commissione ne pubblica gli estratti nella Gazzetta ufficiale delle Comunità europee, serie C.

CAPITOLO III

Benestare tecnico europeo

Articolo 8

1. Il benessere tecnico europeo è una valutazione tecnica positiva dell'idoneità di un prodotto per l'impiego previsto, fondata sulla corrispondenza ai requisiti essenziali per le opere per cui il prodotto deve essere utilizzato.

2. Il benessere tecnico europeo può essere accordato ai:

a) prodotti per cui non esiste né una norma armonizzata, né una norma nazionale riconosciuta, né un mandato per una norma armonizzata e per cui la Commissione, previa consultazione del comitato permanente, non ritiene possibile o ancora possibile elaborare una norma; e b) prodotti che si discostano notevolmente dalle norme armonizzate o dalle norme nazionali riconosciute.

Anche nel caso in cui sia stato rilasciato un mandato per una norma armonizzata, la lettera a) non esclude il rilascio del benessere tecnico europeo per prodotti per cui esistono orientamenti per tale benessere. La presente disposizione è

applicabile fino all'entrata in vigore della norma armonizzata negli Stati membri.

3. In casi particolari la Commissione può, in deroga al paragrafo 2 lettera a), previa consultazione del comitato di cui all'articolo 19, autorizzare il rilascio di un benestare tecnico europeo per prodotti per cui esiste un mandato per una norma armonizzata o per cui la Commissione ha stabilito che è possibile elaborare una norma armonizzata. L'autorizzazione è valida per un periodo determinato.

4. Il benestare tecnico europeo è in generale rilasciato per un periodo di cinque anni. Questo periodo può essere prorogato.

Articolo 9

1. Il benestare tecnico europeo per un prodotto si basa su esami, prove ed una valutazione sulla base dei documenti interpretativi di cui all'articolo 3, paragrafo 3, come pure sugli orientamenti previsti all'articolo 11 riguardo al prodotto o alla famiglia di prodotti cui appartiene.

2. Qualora non esistano o non siano ancora disponibili gli orientamenti previsti all'articolo 11, può essere rilasciato un benestare sulla base dei relativi requisiti essenziali e dei documenti interpretativi se la valutazione del prodotto è adottata da organismi competenti per il benestare tecnico i quali agiscono congiuntamente nell'ambito dell'organizzazione di cui all'allegato II. Qualora gli organismi riconosciuti siano di parere discordante, viene adito il comitato di cui all'articolo 19.

3. Il benestare tecnico europeo per un prodotto è rilasciato in uno Stato membro, secondo la procedura di cui all'allegato II, a richiesta del fabbricante o del suo mandatario stabilito nella Comunità.

Articolo 10

1. Ogni Stato membro comunica agli altri Stati membri ed alla Commissione il nome e l'indirizzo degli organismi autorizzati al rilascio di benestare tecnici europei.

2. Gli organismi competenti per il benestare tecnico devono soddisfare i requisiti della presente direttiva e devono in particolare essere in grado:

- di valutare l'idoneità all'impiego dei nuovi prodotti sulla base di conoscenze scientifiche e pratiche;

- di pronunciarsi in modo imparziale rispetto agli interessi dei fabbricanti interessati o dei loro mandatari e

- di sintetizzare i contributi di tutte le parti interessate ai fini di una valutazione equilibrata.

3. L'elenco degli organismi competenti per rilasciare benestare tecnici europei ed ogni eventuale modifica dell'elenco sono pubblicati nella Gazzetta ufficiale delle Comunità europee, serie C.

Articolo 11

1. Previa consultazione del comitato di cui all'articolo 19, la Commissione impartisce all'organizzazione, che è prevista all'allegato II e che raggruppa gli organismi riconosciuti designati dagli Stati membri, mandati per l'elaborazione di orientamenti per il benestare tecnico europeo per un prodotto o una famiglia di prodotti.

2. Gli orientamenti per il benestare tecnico europeo per un prodotto o una famiglia di prodotti devono segnatamente comprendere quanto segue:

a) l'elenco dei documenti interpretativi pertinenti di cui all'articolo 3, par. 3;

b) i requisiti concreti del prodotto in termini di requisiti essenziali ai sensi dell'articolo 3, paragrafo 1;

c) i metodi di prova;

d) i metodi di valutazione e di giudizio dei risultati delle prove;

e) le procedure di controllo e di conformità, che devono essere conformi agli articoli 13, 14 e 15;

f) il periodo di validità del benestare tecnico europeo.

3. Gli orientamenti per il benestare tecnico europeo sono pubblicati, previa consultazione del comitato di cui all'articolo 19, dagli Stati membri nella(e) rispettiva(e) lingua(e) nazionale(i) ufficiale(i).

CAPITOLO IV

Documenti interpretativi

Articolo 12

1. Previa consultazione del comitato di cui all'articolo 19, la Commissione incarica i comitati tecnici a cui partecipano gli Stati membri, di elaborare i documenti interpretativi di cui all'articolo 3, paragrafo 3.

2. I documenti interpretativi:

a) precisano i requisiti essenziali previsti all'articolo 3 e definiti nell'allegato I, armonizzando la terminologia ed i concetti tecnici di base e indicando le categorie o i livelli per ciascun requisito laddove ciò sia necessario e lo sviluppo delle conoscenze scientifiche e tecniche lo consenta;

b) indicano metodi di correlazione tra detti livelli o categorie di requisiti e le specificazioni tecniche di cui all'articolo 4: metodi di calcolo e di determinazione, norme tecniche di concezione delle opere, ecc.; c) costituiscono un riferimento per la definizione di norme armonizzate e di orientamenti per il benessere tecnico europeo, nonché per l'accettazione di specificazioni tecniche nazionali ai sensi dell'articolo 4, paragrafo 3.

3. La Commissione pubblica i documenti interpretativi nella serie C della Gazzetta ufficiale delle Comunità europee, previa consultazione del comitato di cui all'articolo 19.

CAPITOLO V

Attestato di conformità

Articolo 13

1. Il fabbricante o il suo mandatario stabilito nella Comunità è responsabile dell'attestato di conformità di un prodotto ai requisiti di una specificazione tecnica definita all'articolo 4.

2. I prodotti oggetto di un attestato di conformità beneficiano di una presunzione di conformità con le specificazioni tecniche definite all'articolo 4. La conformità è stabilita mediante prova o altre verifiche in base alle specificazioni tecniche, conformemente all'allegato III.

3. L'attestato di conformità di un prodotto presuppone che:

a) il fabbricante abbia un sistema di controllo della produzione il quale permetta di stabilire che la produzione corrisponde alle relative specificazioni tecniche ovvero

b) per taluni prodotti menzionati nelle relative specificazioni tecniche, un organismo di certificazione riconosciuto intervenga nella valutazione e nella sorveglianza del controllo della produzione o del prodotto stesso in aggiunta al sistema di controllo della produzione applicato dalla fabbrica.

4. La Commissione, previa consultazione del comitato di cui all'articolo 19, sceglie la procedura di cui al paragrafo 3 per un dato prodotto o per un gruppo di prodotti determinati conformemente alle precisazioni di cui all'allegato III, in base:

a) all'importanza che riveste il prodotto rispetto ai requisiti

essenziali ed in particolare rispetto a quelli in materia di salute e di sicurezza;

b) alla natura del prodotto;

c) all'influenza della variabilità delle caratteristiche del prodotto sulla sua destinazione;

d) ai potenziali difetti della fabbricazione del prodotto.

In ogni caso si sceglie la procedura meno onerosa possibile compatibile con la sicurezza.

La procedura così fissata è indicata nei mandati e nelle specificazioni tecniche o nella pubblicazione delle stesse.

5. Nel caso di un esemplare unico (e non di serie) basta una dichiarazione di conformità secondo l'allegato III, punto 2, possibilità 3, salvo che non sia altrimenti disposto dalle specifiche tecniche per i prodotti che hanno implicazioni particolarmente importanti per quanto riguarda la salute e la sicurezza.

Articolo 14

1. Conformemente all'allegato III le procedure di cui sopra comportano,

a) nel caso dell'articolo 13, paragrafo 3, lettera a), il rilascio di una dichiarazione di conformità per un prodotto da parte del fabbricante o del suo mandatario ovvero,

b) nel caso dell'articolo 13, paragrafo 3, lettera b), il rilascio da parte di un organismo di certificazione di un certificato di conformità per un sistema di controllo e di verifica della produzione per il prodotto stesso. Le modalità di applicazione delle procedure di attestato di conformità sono riportate nell'allegato III.

2. La dichiarazione di conformità del fabbricante o il certificato di conformità danno al fabbricante o al suo mandatario stabilito nella Comunità il diritto di apporre il marchio CE sul prodotto stesso, su un'etichetta ad esso applicata, sull'imballaggio o sui documenti commerciali di accompagnamento. Il modello del marchio CE di conformità e le modalità d'impiego relative a ciascuna procedura dell'attestato di conformità figurano nell'allegato III.

Articolo 15

1. Gli Stati membri vigilano sulla corretta utilizzazione del marchio CE.

2. Fatto salvo l'articolo 21:

a) ogni constatazione da parte di uno Stato membro di apposizione indebita della marcatura CE, comporta per il fabbricante o il suo mandatario stabilito nella Comunità l'obbligo di conformare il prodotto alle disposizioni sulla marcatura CE e far cessare l'infrazione alle condizioni stabilite dallo Stato membro stesso.

b) Nel caso in cui persista la mancanza di conformità, lo Stato membro deve adottare tutte le misure atte a limitare o vietare l'immissione sul mercato del prodotto in questione o a garantirne il ritiro dal commercio secondo le procedure previste all'articolo 21.

3. Gli Stati membri adottano le misure necessarie a vietare che si appongano sui prodotti o sui relativi imballaggi marcature che possano indurre in errore i terzi circa il significato ed il simbolo grafico della marcatura CE. Sull'etichetta applicata sull'imballaggio dei prodotti da costruzioni o sui documenti commerciali che li accompagnano può essere apposto ogni altro marchio purché questo non limiti la visibilità e la leggibilità della marcatura CE.

CAPITOLO VI

Procedure speciali

Articolo 16

1. Se, per un determinato prodotto, non esistono le specificazioni tecniche di cui all'articolo 4, lo Stato membro di destinazione, agendo a richiesta e in singoli casi, considera come conformi alle disposizioni nazionali in vigore i prodotti che hanno superato le prove e i controlli effettuati, nello Stato membro di produzione, da un organismo riconosciuto secondo i metodi in vigore nello Stato membro di destinazione o riconosciuti come equivalenti da tale Stato membro.

2. Lo Stato membro di produzione comunica allo Stato membro di destinazione, la cui regolamentazione è applicabile alle prove ed ai controlli da effettuare, quale organismo esso intenda riconoscere a tal fine. Lo Stato membro di destinazione e lo Stato membro produttore si scambiano tutte le informazioni necessarie. Finito tale scambio di informazioni lo Stato membro produttore riconosce l'organismo in tal modo designato. Se uno Stato membro nutre dubbi, esso provvede a motivarli ed a informarne la Commissione.

3. Gli Stati membri provvedono a che gli organismi designati si forniscano mutua assistenza.

4. Qualora uno Stato membro constati che un organismo riconosciuto non effettua i collaudi e i controlli regolarmente secondo le sue disposizioni nazionali, esso lo comunica allo Stato membro in cui l'organismo è riconosciuto. Quest'ultimo, entro un termine appropriato, informa lo Stato membro che ha effettuato la comunicazione, circa i provvedimenti presi.

Qualora lo Stato membro che ha effettuato la comunicazione non ritenga sufficienti detti provvedimenti, esso può vietare o subordinare a particolari condizioni l'immissione sul mercato e l'utilizzazione del prodotto in questione. Esso ne informa l'altro Stato membro e la Commissione.

Articolo 17

In applicazione della procedura di cui all'articolo 16, gli Stati membri di destinazione attribuiscono alle relazioni e ai certificati di conformità rilasciati dallo Stato membro produttore lo stesso valore dei documenti nazionali corrispondenti.

CAPITOLO VII

Organismi riconosciuti

Articolo 18

1. Gli Stati membri notificano alla Commissione e agli altri Stati membri gli organismi di certificazione e di ispezione e i laboratori incaricati delle prove da essi designati per effettuare i compiti che devono essere eseguiti ai fini delle autorizzazioni tecniche, dei certificati di conformità, delle ispezioni e delle prove, conformemente alla presente direttiva, nonché nome e indirizzo e numeri di identificazione loro attribuiti in precedenza dalla Commissione.

La Commissione pubblica nella Gazzetta ufficiale delle Comunità europee un elenco degli organismi notificati in cui figurano i loro numeri di identificazione, nonché i compiti per i quali sono stati notificati. Essa provvede all'aggiornamento di tale elenco.

2. Gli organismi di certificazione, gli organismi d'ispezione ed i laboratori di collaudo devono rispondere ai criteri di cui all'allegato IV.

3. Gli Stati membri specificano i prodotti che rientrano nella competenza degli organismi e laboratori di cui al paragrafo 1 e la natura dei compiti loro affidati.

CAPITOLO VIII

Comitato permanente per la costruzione

Articolo 19

1. È istituito un comitato permanente per la costruzione.
2. Il comitato è composto di rappresentanti designati dagli Stati membri ed è presieduto da un rappresentante della Commissione. Ciascuno Stato membro designa due rappresentanti. I rappresentanti possono farsi assistere da esperti.

Il comitato stabilisce il proprio regolamento interno.

Articolo 20

1. Il comitato di cui all'articolo 19 può, a richiesta del proprio presidente o di uno Stato membro, esaminare qualsiasi problema dovesse sorgere in sede di attuazione e applicazione pratica della presente direttiva.
2. Sono adottate secondo la procedura prevista ai paragrafi 3 e 4 le disposizioni necessarie in materia di a) definizione delle categorie di requisiti, purché non siano inclusi nei documenti interpretativi, e la definizione della procedura per stabilire la conformità nei mandati per le norme conformemente all'articolo 7, paragrafo 1 ed agli orientamenti per il benessere tecnico di cui all'articolo 11, paragrafo 1;
b) conferimento di istruzioni per l'elaborazione dei documenti interpretativi di cui all'articolo 12 bis, paragrafo 1, e decisione in merito ai documenti interpretativi di cui all'articolo 12, paragrafo 3;
e) riconoscimento delle specificazioni tecniche nazionali conformemente all'articolo 4, paragrafo 3.
3. Il rappresentante della Commissione presenta al comitato un progetto delle misure da prendere. Il comitato formula il proprio parere in merito a tale progetto entro un termine che il presidente può stabilire in relazione all'urgenza del problema. Il comitato si pronuncia alla maggioranza stabilita all'articolo 148, paragrafo 2 del trattato per le decisioni che il Consiglio deve adottare su proposta della Commissione. Ai voti dei rappresentanti degli Stati membri è attribuita la ponderazione di cui a detto articolo. Il presidente non partecipa alla votazione.
4. La Commissione adotta le misure progettate quando esse sono conformi al parere del comitato. Quando dette misure non sono conformi al parere del comitato, o in mancanza di parere, la Commissione sottopone immediatamente al Consiglio una proposta relativa alle misure da prendere. Il Consiglio delibera

a maggioranza qualificata.

Se alla scadenza del termine di tre mesi a decorrere dalla data in cui è stato adito, il Consiglio non ha adottato misure, la Commissione adotta le misure proposte.

CAPITOLO IX

Clausola di salvaguardia

Articolo 21

1. Se uno Stato membro constata che un prodotto dichiarato conforme alla presente direttiva non risponde ai requisiti di cui agli articoli 2 e 3, esso prende tutte le misure utili per ritirare i prodotti dal mercato o proibirne o limitarne la libera circolazione. Lo Stato membro interessato informa immediatamente la Commissione della misura presa, precisando i motivi della propria decisione ed in particolare se la non conformità è dovuta:

a) al mancato rispetto degli articoli 2 e 3, qualora il prodotto non corrisponda alle specificazioni tecniche di cui all'articolo 4;

b) ad un'imperfetta applicazione delle specificazioni tecniche di cui all'articolo 4:

c) ad una lacuna delle specificazioni tecniche stesse di cui all'articolo 4.

2. La Commissione avvia una consultazione con le parti interessate con la massima celerità. Se la Commissione constata dopo tale consultazione che la misura è giustificata, essa ne informa immediatamente lo Stato membro che ha preso le misure e gli altri Stati membri.

3. Se la decisione di cui al paragrafo 1 è giustificata da una lacuna delle norme o delle specificazioni tecniche, la Commissione, previa consultazione delle parti interessate, avvisa il comitato di cui all'articolo 19 ed il comitato istituito dalla direttiva 83/189/CEE nel caso di una lacuna in una norma armonizzata, entro un termine di due mesi, se lo Stato membro che ha preso tali misure intende mantenerle, ed avvia le procedure di cui all'articolo 5, par.2.

4. Lo Stato membro interessato prende le misure appropriate contro chiunque abbia fatto la dichiarazione di conformità e ne informa la Commissione e gli altri Stati membri.

5. La Commissione fa sì che gli Stati membri siano tenuti informati sugli sviluppi e sull'esito della suddetta procedura.

CAPITOLO X

Disposizioni finali

Articolo 22

1. Gli Stati membri mettono in vigore le disposizioni legislative, regolamentari e amministrative necessarie per conformarsi alla presente direttiva entro i 30 mesi dalla sua notifica (6). Essi ne informano immediatamente la Commissione.

2. Gli Stati membri comunicano alla Commissione il testo delle disposizioni di diritto interno che essi adottano nel settore disciplinato dalla presente direttiva.

Articolo 23

Entro il 31 dicembre 1993, la Commissione, in consultazione con il comitato di cui all'articolo 19, riesamina il funzionamento delle procedure previste dalla presente direttiva e formula eventualmente le proposte di modifica appropriate.

Articolo 24

Gli Stati membri sono destinatari della presente direttiva.

Fatto a Bruxelles, addì 21 dicembre 1988.

Per il Consiglio

Il Presidente

V. PAPANDREOU

(1) GU n. C 93 del 6. 4. 1987, pag. 1.

(2) GU n.C 305 del 16. 11. 1987, pag. 74 e GU n. C 326 del 19. 12. 1988.

(3) GU n. C 95 dell'11. 4. 1988, pag. 29.

(4) GU n. C 136 del 4. 6. 1985, pag. 1.(5) GU n. L 109 del 26. 4. 1983,

pag. 8(6) La presente direttiva è stata notificata agli Stati membri il 27

dicembre 1988.

ALLEGATO I

REQUISITI ESSENZIALI

I prodotti devono essere idonei alla realizzazione di opere pronte all'uso, nell'integralità e nelle relative parti, tenendo

conto dell'aspetto economico, e a tal fine devono soddisfare i seguenti requisiti essenziali, laddove siano stabiliti. Detti requisiti devono, fatta salva la normale manutenzione, essere soddisfatti per un periodo di tempo economicamente adeguato. I requisiti come norma presuppongono azioni prevedibili.

1. Resistenza meccanica e stabilità

L'opera deve essere concepita e costruita in modo che le azioni cui può essere sottoposta durante la costruzione e l'utilizzazione non provochino:

- a) il crollo dell'intera opera o di una sua parte;
- b) deformazioni di importanza inammissibile;
- c) danni ad altre parti dell'opera o alle attrezzature principali o accessorie in seguito a una deformazione di primaria importanza degli elementi portanti;
- d) danni accidentali sproporzionati alla causa che li ha provocati.

2. Sicurezza in caso di incendio

L'opera deve essere concepita e costruita in modo che, in caso di incendio:

- la capacità portante dell'edificio possa essere garantita per un periodo di tempo determinato;
- la produzione e la propagazione del fuoco e del fumo all'interno delle opere siano limitate;
- la propagazione del fuoco ad opere vicine sia limitata;
- gli occupanti possano lasciare l'opera o essere soccorsi altrimenti;
- sia presa in considerazione la sicurezza delle squadre di soccorso.

3. Igiene, salute e ambiente

L'opera deve essere concepita e costruita in modo da non compromettere l'igiene o la salute degli occupanti o dei vicini e in particolare in modo da non provocare:

- sviluppo di gas tossici;
- presenza nell'aria di particelle o di gas pericolosi;
- inquinamento o tossicità dell'acqua o del suolo;

- difetti nell'eliminazione delle acque di scarico, dei fumi e dei rifiuti solidi o liquidi;

- formazione di umidità su parti o pareti dell'opera.

4. Sicurezza nell'impiego

L'opera deve essere concepita e costruita in modo che la sua utilizzazione non comporti rischi di incidenti inammissibili, quali scivolate, cadute, collisioni, bruciature, folgorazioni, ferimenti a seguito di esplosioni.

5. Protezione contro il rumore

L'opera deve essere concepita e costruita in modo che il rumore cui sono sottoposti gli occupanti e le persone situate in prossimità si mantenga a livelli che non nuocciano alla loro salute e tali da consentire soddisfacenti condizioni di sonno, di riposo e di lavoro.

6. Risparmio energetico e ritenzione di calore

L'opera ed i relativi impianti di riscaldamento, raffreddamento ed aerazione devono essere concepiti e costruiti in modo che il consumo di energia durante l'utilizzazione dell'opera sia moderato, tenuto conto delle condizioni climatiche del luogo, senza che ciò pregiudichi il benessere termico degli occupanti.

ALLEGATO II

PROCEDURA PER IL BENESTARE TECNICO EUROPEO

1. La domanda per il rilascio di un benestare può essere presentata da un fabbricante o da un suo mandatario stabilito nella Comunità presso uno solo degli organismi competenti per il benestare.

2. Gli organismi competenti per il benestare designati dagli Stati membri sono riuniti in una organizzazione. Quest'ultima nell'esercizio dei propri compiti è tenuta ad uno stretto coordinamento con la Commissione che consulta il comitato di cui all'articolo 19 sui problemi importanti. Lo Stato membro che abbia designato più di un organismo competente per il benestare deve assicurare il coordinamento dei diversi organismi e designa tra di essi il portavoce in seno all'organizzazione.

3. Le norme procedurali comuni per la presentazione della domanda, l'elaborazione e il rilascio del benestare sono elaborate dall'organizzazione formata dai diversi organismi competenti per il benestare. Le norme procedurali comuni sono adottate conformemente all'articolo 20 dalla Commissione in

base al parere del comitato.

4. Gli organismi competenti per il benessere si prestano l'un l'altro, nell'ambito dell'organizzazione in cui sono riuniti, tutto l'appoggio necessario. Alla stessa organizzazione spetta anche il coordinamento relativo ai problemi specifici attinenti ai benessere tecnici. Eventualmente l'organizzazione istituisce a questo scopo dei sottogruppi.

5. I benessere tecnici europei vengono pubblicati da gli organismi competenti per il benessere, i quali ne mettono a conoscenza tutti gli altri organismi. A richiesta di un organismo competente per il benessere riconosciuto, gli viene comunicata per conoscenza la documentazione completa di un benessere rilasciato.

6. I costi relativi alla procedura del benessere tecnico europeo sono a carico del richiedente secondo la normativa nazionale.

ALLEGATO III

ATTESTATO DI CONFORMITA' CON LE SPECIFICAZIONI TECNICHE

1. METODI DI CONTROLLO DELLA CONFORMITA'

Nella determinazione delle procedure per il rilascio dell'attestato di conformità di un prodotto con le specifiche tecniche in applicazione dell'articolo 13, devono essere applicati i seguenti metodi di controllo della conformità. I requisiti

previsti per il prodotto o il gruppo di prodotti di cui trattasi determinano la scelta e la combinazione dei metodi per un determinato sistema, secondo i criteri di cui all'articolo 13, paragrafi 3 e 4:

a) prove del tipo iniziale del prodotto effettuate dal fabbricante o da un organismo riconosciuto;

b) prove di campioni prelevati nella fabbrica secondo un determinato piano di prova prescritto dal fabbricante o da un organismo riconosciuto;

c) prove per sondaggio (audit-testing) di campioni prelevati nella fabbrica, sul mercato o su un cantiere da parte del fabbricante o di un organismo riconosciuto;

d) prova di campioni prelevati su un lotto già fornito o da fornire,

effettuata da fabbricante o da un organismo riconosciuto;

e) controllo della produzione nella fabbrica;

f) ispezione iniziale della fabbrica e del controllo di produzione nella stessa da parte di un organismo riconosciuto;

g) sorveglianza, valutazione e stima permanenti del controllo di produzione nella fabbrica da parte di un organismo riconosciuto.

Nell'ambito della presente direttiva per "controllo di produzione nella fabbrica" si intende il controllo interno permanente della produzione, effettuato dal fabbricante. Tutti gli elementi, requisiti e disposizioni adottati dal fabbricante devono essere documentati sistematicamente sotto forma di modalità e procedure scritte. Questa documentazione del sistema di controllo della produzione deve garantire una comune interpretazione delle garanzie di qualità e permettere di ottenere le caratteristiche richieste per un prodotto nonché di controllare che il sistema di controllo della produzione funzioni efficacemente.

2. SISTEMI DELL'ATTESTATO DI CONFORMITÀ

Sono applicati di preferenza i seguenti sistemi di attestati di conformità:

i) Certificato di conformità del prodotto da parte di un organismo di certificazione riconosciuto in base a:

a) (Compiti del fabbricante)

1. controllo di produzione nella fabbrica;

2. prove complementari di campioni prelevati nella fabbrica dal produttore secondo uno specifico piano di prova;

b) (Compiti dell'organismo riconosciuto)

3. prove iniziali del prodotto;

4. ispezione iniziale della fabbrica e dei suoi controlli di produzione;

5. sorveglianza, valutazione e approvazione permanenti del controllo di produzione nella fabbrica;

6. eventualmente, prove eseguite su campioni prelevati in fabbrica, sul mercato, o sul cantiere;

ii) Dichiarazione di conformità del fabbricante per il prodotto in base a:

Possibilità 1:

a) (Compiti del fabbricante)

1. prove del tipo iniziale del prodotto;
2. controllo della produzione nella fabbrica;
3. eventualmente esame di campioni prelevati in fabbrica secondo uno specifico piano di prnva;

b) (Compiti dell'organismo riconosciuto)

4. Certificazione del controllo di produzione nella fabbrica in base a:

- ispezione iniziale della fabbrica e dei suoi controlli di produzione nella fabbrica.

- eventualmente, sorveglianza, giudizio e approvazione permanenti dei controlli di produzione nella fabbrica.

Possibilità 2:

1. prove del tipo iniziale del prodotto da parte di un laboratorio riconosciuto;

2. controllo di produzione nella fabbrica.

Possibilità 3:

1. prove del tipo iniziale da parte del fabbricante;

2. controllo di produzione nella fabbrica.

3. ORGANISMI INTERESSATI DALL'ATTESTATO DI CONFORMITÀ

Per quanto concerne il ruolo degli organismi interessati dall'attestato di conformità, si distinguono:

i) l'organismo di certificazione, che è un organismo imparziale governativo o no, che possiede la competenza e le attribuzioni necessarie per eseguire la certificazione di conformità secondo le regole di procedura e di gestione fissate;

ii) l'organismo di ispezione, che è un organismo imparziale avente a disposizione l'organizzazione, il personale, la competenza e l'integrità necessarie per svolgere, secondo criteri specifici, compiti quali valutazione, raccomandazione di accettazione e verifica delle operazioni di controllo della qualità effettuate dal fabbricante, selezione e valutazione dei prodotti in loco, o in fabbrica, o altrove secondo criteri specifici;

iii) il laboratorio di prove, che è un laboratorio che misura, esamina, prova, classifica o determina in altro modo le caratteristiche o la prestazione dei materiali o dei prodotti.



Nei casi i) e ii) (possibilità 1) del paragrafo 2, le tre funzioni 3 i), 3 ii) e 3 iii) possono essere svolte da un solo organismo o da organismi distinti nel qual caso l'organismo di ispezione e/o il laboratorio di prova interessati dall'attestazione della conformità svolgono la propria funzione per il conto dell'organismo di certificazione.

Per i criteri di competenza, d'obiettività e d'integrità degli organismi di certificazione, d'ispezione e dei laboratori di prova, si rimanda all'allegato IV.

4. MARCATURA CE DI CONFORMITÀ, CERTIFICATO DI CONFORMITÀ CE E DICHIARAZIONE CEE DI CONFORMITÀ

4.1. Marcatura CE di conformità

- La marcatura CE di conformità è costituita dalle iniziali "CE " secondo il simbolo grafico che segue:

- In caso di riduzione o di ingrandimento della marcatura CE, devono essere rispettate le proporzioni indicate per il simbolo graduato di cui sopra.

- I diversi elementi della marcatura CE devono avere sostanzialmente la stessa dimensione verticale, che non può essere inferiore a 5 mm.

- La marcatura CE è seguita dal numero di identificazione dell'organismo che interviene durante la fase di controllo della produzione.

Indicazioni complementari: La marcatura CE è accompagnata dal nome o dal marchio specifico del produttore, dalle ultime due cifre dell'anno di apposizione della marcatura CE, nei casi appropriati dal numero del certificato CE di conformità e, se del caso, da indicazioni che permettano di individuare le caratteristiche del prodotto in funzione delle specifiche tecniche.

4.2. Certificato CE di conformità

il certificato CE di conformità contiene in particolare:

- il nome e l'indirizzo dell'organismo di certificazione,

- il nome e l'indirizzo del fabbricante o del suo mandatario stabilito nella Comunità,
- la descrizione del prodotto (tipo, identificazione, impiego, ecc.),
- le disposizioni a cui risponde il prodotto,
- le condizioni particolari di utilizzazione del prodotto,
- il numero del certificato,
- le eventuali condizioni di durata di validità del certificato,
- il nome e la qualifica del fabbricante.

4.3. Dichiarazione CE di conformità

La dichiarazione CE di conformità contiene in particolare:

- il nome e l'indirizzo del fabbricante o del suo mandatario stabilito nella Comunità,
- la descrizione del prodotto (tipo, identificazione, impiego, ecc.),
- le disposizioni a cui risponde il prodotto,
- le condizioni particolari di utilizzazione del prodotto,
- il nome e l'indirizzo dell'organismo riconosciuto, se del caso,
- il nome e la qualifica della persona autorizzata a firmare la dichiarazione a nome del fabbricante o del suo mandatario.

4.4. Il certificato e la dichiarazione di conformità devono essere presentati nella lingua ufficiale o nelle lingue ufficiali dello Stato membro in cui il prodotto deve essere utilizzato.

ALLEGATO IV

RICONOSCIMENTO DEI LABORATORI DI PROVE E DEGLI ORGANISMI DI ISPEZIONE E DI CERTIFICAZIONE

I laboratori di prove, gli organismi di ispezione e gli organismi di certificazione designati dagli Stati membri devono soddisfare le seguenti condizioni minime:

1. disponibilità di personale nonché mezzi e attrezzature necessari;
2. competenza tecnica e integrità professionale del personale;
3. indipendenza, per quanto riguarda l'esecuzione delle prove, la redazione dei rapporti, il rilascio dei certificati e l'esecuzione

della sorveglianza di cui alla presente direttiva, dei quadri e del personale tecnico rispetto a tutte le categorie professionali, gruppi o persone direttamente o indirettamente interessate al settore dei materiali da costruzione;

4. rispetto del segreto professionale da parte del personale:

5. sottoscrizione di un'assicurazione di responsabilità civile a meno che tale responsabilità non sia coperta dallo Stato in virtù del diritto nazionale.

Il rispetto delle condizioni di cui ai punti 1) e 2) è verificato periodicamente dalle competenti autorità degli Stati membri.

GUIDANCE PAPER A

(Concerning the Construction Products Directive 89/106/EC)

THE DESIGNATION OF APPROVED BODIES IN THE FIELD OF THE CONSTRUCTION PRODUCTS DIRECTIVE

(Final consultation of the Standing Committee on Construction at the 31st meeting on 22 November 1995, as document CONSTRUCT 95/149 Rev.2)

1) Objectives and scope

1.1 This document is intended to provide guidance for Member States when designating bodies to operate the attestation procedures required under Article 18 of the Construction Products Directive (CPD). This Guidance Paper (GP) does not deal with the operation of Special Procedures (Article 16 of the Directive) or with market surveillance operations.

1.2 The principal objectives are:

- to encourage the full implementation of the CPD, taking account of the Council Resolution on a Global Approach to Conformity Assessment(1),
 - to promote mutual confidence and transparency between all approved bodies within the EC,
 - to achieve a consistent application of the conformity requirements of the CPD by all approved bodies,
 - to ensure that full information is available to all interested parties, on the scope and competence of approved bodies and the services provided.
- 1.3 This document is not itself directly applicable. But its provisions could apply following their adoption by Member States in the process of designation and notification.

2) The Legal Basis

2.1 The legal basis applicable to the designation of approved bodies under the CPD is set out in Article 18 and Annex IV of the directive. In writing this GP, reference has been made to Council Resolution of 21.12.89 on a Global Approach to Conformity Assessment and to the "Guide to the implementation of Community harmonization directives based on the new approach and the global approach", first version, 1994 (referred to as "Guide" in the text), the general provisions of which also apply to the notification process.

The general procedures laid down at Community level and described in the Commission document "Method of coordinating the procedures governing the notification and management of notified bodies" have also been taken into account.

3) Implementation of the criteria for the designation of approved bodies

3.1 Responsibilities of Member States

(a) It is the responsibility of individual Member States to ensure that the criteria set out in Annex IV of the CPD are fully satisfied by bodies wishing to be considered for designation. Member States may designate and notify to the Commission only bodies that conform to these criteria as a minimum requirement.

(b) Member States may consider for designation as approved bodies only those certification bodies, inspection bodies, and testing laboratories that come under the jurisdiction of the national authority in question and which therefore are established in their territory (Guide, Fiche II/B I (b)).

(c) Should a Member State find that a body it has notified ceases to fulfil the conditions of notification, it should inform the body concerned, the Commission and the other Member States. A Member State should withdraw notification if the body continues to not fulfil these conditions. Such withdrawal does not affect previous attestation work performed by that body unless it is shown that it is no longer valid (Guide, Fiche II/B VIII A. 1st para).

(d) Where a Member State withdraws its notification of a body, it shall take appropriate steps to ensure that dossiers of the body concerned are processed by another notified body in order to ensure continuity (Guide, Fiche II/B VI 8th para).

(e) Annex D gives an example of the information that Member States should include in letters of designation to applicant bodies. Annex E gives the standard letter of notification to the Commission that Member States should use, after an identification number has been issued by the Commission services to the applicant body. For other letters (e.g. request for an identification number) see Commission document "Method of coordinating ...".

3.2 Interpretation of Annex IV of the Directive

(a) Compliance, demonstrated to the notification authority concerned, with the relevant requirements from the appropriate standards in the EN 45000 series (made specific to the requirements of the task and/or product(s) in question), together with proof of civil liability insurance, is considered as satisfactory demonstration of compliance with the criteria contained in Annex IV of the CPD.

(b) The obligation on Member States to verify the minimum conditions applies to all conditions set out in Annex IV of the Directive and not just conditions 1 and 2.

(c) It is the Commission's responsibility to act if doubt arises as to the competence of a notified body (Guide, Fiche II/B VIII B. 7th para). In such cases, the Commission may request, from the Member State concerned, appropriate documented evidence of the basis for notification.

3.3 Basis for assessments of approved bodies

(a) The standards that should be used as a basis for proof of compliance, within a defined scope of demonstrated competence, with the requirements of Annex IV are:

For bodies performing product conformity certification:	EN 45011 "General criteria for certification bodies operating product certification", and EN 45012 "General criteria for certification bodies operating quality system certification"
For bodies performing FPC certification:-	EN 45012 "General criteria for certification bodies operating quality system certification"
For bodies performing* FPC inspection:-	EN 45012 "General criteria for certification bodies operating quality system certification" or EN 45004 "General criteria for the operation of various types of bodies performing inspection"
For testing laboratories: of testing laboratories"	EN 45001 "General criteria for the operation

* Note: It is the Member State itself that is responsible for ensuring the competence of FPC inspection bodies. There being no unanimous agreement among Member States on the use of EN 45012, Member States may use the relevant clauses of EN 45004 as the basis for demonstrating satisfaction of the requirements of CPD Annex IV as an alternative.

(b) Not all parts of the above standards are essential to demonstrate compliance with Annex IV. The requirements of Annex IV of the CPD can be demonstrated by compliance with those criteria listed in:

- Annex A - for certification bodies
- Annex B - for inspection bodies
- Annex C - for testing laboratories.

Those clauses of the relevant EN 45000 standards that are not mentioned in these annexes are not a compulsory requirement of the CPD.

(c) The tasks of bodies involved in FPC inspection and/or certification relate only to those aspects of an FPC system needed to satisfy the requirements of the CPD and as defined in document Construct 95/135 "Guide for the definition of factory production control in technical specifications for construction products".

(d) In notifying a body to the Commission, a Member State must ensure that the body has the necessary specific product and/or testing capability (Guide, Fiche II/B VII 4th para). For certification and inspection bodies this is most easily demonstrated by reference to the title(s) and scope(s) of harmonized European technical specifications and/or Guidelines for European Technical Approvals (ETAs). For test laboratories it is most easily demonstrated by reference to European test standards or parts thereof or by reference to test methods required for ETAs.

3.4 Sub-contracting by designated bodies

(a) The following (Guide, Fiche II/B IX) explains the conditions under which a CPD notified body may sub-contract.

"It is the responsibility of notified bodies to fulfil at all times the conditions under which they are notified. This, however, does not prevent them from sub-contracting part of their activities. Subcontracting by notified bodies must in no event undermine the public authorities' confidence in compliance with the conformity assessment procedures.

A notified body which sub-contracts remains in all cases responsible for all the activities covered by the notification. Sub-contracting does not entail the delegation of powers or responsibilities.

The notified body cannot under any circumstances sub-contract all of its activities. It cannot sub-contract assessment and appraisal activities. Only strictly limited technical tasks described in detail can be sub-contracted, e.g. tests, examinations, comparisons or quality system audits. Serial sub-contracting is prohibited.

The bodies acting as sub-contractors for the notified bodies need not be notified as such by the Member States. The notified body must inform the Member State of its intention to sub-contract certain work. The sub-contractor must be technically competent and display independence and objectivity on the basis of the same criteria and under the same conditions as the notified bodies. The notified body can have its notification withdrawn by the Member State for any reason connected with improper performance of the sub-contract."

3.5 Notified bodies linked to a manufacturer

(a) The Guide (Fiche II/B IV) states "Notified bodies are and must remain third parties. As third parties they should remain independent of their clients and other interested parties. ... Facilities such as laboratories or inspectorates owned by economic operators (first or second parties) cannot be notified separately". For these reasons it is considered that certification and inspection bodies that are not separate legal entities cannot be notified under the CPD.

(b) The rest of this section applies only to test laboratories undertaking initial type testing under the attestation system given in CPD Annex III, 2(ii) second possibility (system 3), because there is no requirement to notify laboratories acting under any of the other systems.

(c) This general principle should be applied as far as possible for test laboratories as well. It has to be recognized, however, that in some case it might be impossible to avoid notifying a laboratory, which is in some way linked to a manufacturer (the body might be the only one having the necessary test equipment, for example). The Guide (Fiche II/B IV, 6th para) states, in this respect "The question of ownership of a facility is irrelevant as long as its independence and neutrality is ensured and that it is separately identifiable. This is in line with the last paragraph of clause 4 of EN 45001".

(d) There are several ways in which a notified laboratory may be linked to a product manufacturer or his agent. The most common of these are when the notified body is:

- part of the same company as the production unit,
- a separate legal entity but wholly or majority owned by the production unit,
- independent, but the production unit has a minority share holding,
- separate, but with a common parent company having either total or majority ownership,
- separate, but with a common parent company having a minority share holding,
- owned by an organization (e.g. a trade association) representing only a few manufacturers.

(e) In the case of the first two of these links, and in order to respect the principles of the Global Approach, the body would not be called a "notified body" but rather an "authorized body". The criteria for designation of an authorized body are the same as for a notified body, with particular emphasis on impartiality, and it can perform the same tasks as a notified body.

(f) Where it is necessary to notify a laboratory linked to a manufacturer, therefore, the concern is to ensure that it operates in a totally impartial way. The organization must, of course, satisfy the criteria of CPD Annex IV. The notifying Member State should also, however, pay particular attention to the criterion of impartiality. The closer the relationship between the laboratory and the production unit, the stricter will have to be the means of satisfying the impartiality requirement and the stringency with which this is verified and policed. Once notified, however, such a the body would be entitled to undertake attestation operations including those for its parent body.

(g) The Guide (Fiche II/B I(g)) states "The bodies which are notified are free to offer their conformity assessment services for which they are notified to any economic operator established either inside the Community or in third countries". Particularly in the case of laboratories linked to a manufacturer, Member States and the Commission should take any necessary measures to ensure that the body does not act in a way that distorts competition on the market. This applies equally to all types of notified body, however.

3.6 Civil liability insurance

(a) Annex IV of the Directive requires that notified bodies should subscribe to civil liability insurance unless the liability is covered by the State under national law (with due regard to the principles of the Treaty). It is considered that the reference to "civil liability insurance" should be assumed to be a reference to professional indemnity insurance.

(b) The EN 45000 standards contain no requirements for insurance and the CPD provides no guidance on the value of insurance cover to be maintained. Member States should require notified bodies to provide annual evidence of adequate professional indemnity insurance cover, taking account of the turnover and nature of the risks likely to be incurred by the body concerned.

(c) Through discussions at European level (see 4.7 below) there should be an attempt to better define "adequate", with a view to minimizing differences between Member States and to promote confidence by the harmonization of practices.

4) The process of designation

4.1 "Member States shall provide the Commission with a list of names and addresses of certification bodies, inspection bodies and testing laboratories which have been designated by that Member State for tasks to be carried out for the purposes of technical approvals, conformity certifications, inspections and tests according to this Directive. Member States shall indicate the products which fall within the competence of the bodies and laboratories ... and the nature of the tasks to be assigned to them" (CPD Article 18). The Commission is responsible for publishing and keeping up to date a list of bodies and their competence and for making this information known to other Member States.

4.2 Member States are free to notify at any time. It will usually be inappropriate, however, to notify before the adoption of the decision on the system of attestation of conformity for the product or product family in question. Member States should verify their notifications once the harmonized technical specification, or Guidelines for ETAs, or appropriate test methods are available.

4.3 It is the responsibility of the Member States to notify any changes, including withdrawal of designation, to the Commission.

4.4 Member States should, in addition to any continuous surveillance they may wish to undertake, regularly seek confirmation of the fulfillment of the terms and conditions by the bodies it designates. It is recommended that this should be done at least once every four years but may be done more frequently.

4.5 There is no limit on the number of bodies that can be notified to undertake a given test or to assess FPC or certify conformity for a given product. There is also no limit on the number of tests and or product assessments for which any one body can be notified. A body can apply for designation against any of the tasks described in CPD Annex III Section 2, or any combination of these, provided that it meets the requirements of competence for each task.

4.6 Notification of bodies to the Commission does not automatically mean that tasks performed by them can lead to the affixing of the CE marking. Such CE marking can only take place once all the necessary conditions have been fulfilled, i.e. the availability of a harmonized technical specification together with all the necessary test and/or assessment methods.

4.7 Bodies seeking designation must accept the commitment, where required, to the development of practical attestation procedures at European level. This may involve regular cooperation regularly with other notified bodies on a technical level and exchange of relevant information in the notified field of activity, with the aim of creating confidence through the harmonization of practices.

4.8 Where a body seeking designation proposes to sub-contract a part of its activities, a list of potential sub-contractors must be kept and systematically updated by the body. Any change to this list should be considered as a change to the terms of the designation, and must therefore be made known to the Member State. The list of sub-contractors should be available without delay to the Commission and other Member States if requested, but there is no requirement for such sub-contractors to be themselves notified.

4.9 A body appearing on a list of sub-contractors may itself be a notified body for the same tasks for which it is a sub-contractor, or for other tasks.

ANNEX A:IMPLEMENTATION OF ANNEX IV REQUIREMENTS FOR CERTIFICATION BODIES

A1. The requirements set out in Annex IV of the CPD are considered to correspond to the following clauses in EN 45011 and 45012. The application of these standards should take account of the size and complexity of the organization being assessed and of the tasks that it wishes to carry out, and should not lead to the imposition of unnecessary bureaucracy.

Annex IV Criteria	Relevant Clauses of: EN 45011	EN 45012
IV.1 Availability of: personnel	4 (b) Administrative structure 7 Certification personnel	4 (b) (") 7 (")
means	11 Testing and inspection facilities required by the Certification body	11 Certification and surveillance facilities required
equipment	11 (")	11 (")
IV.2 Technical competence	6 Organizational structure 8 Documentation and change control 9 Records 10 Certification procedures 12 Quality manual 15 Appeals 16 Internal audit and periodic review 18 Complaints 19 Withdrawal and cancellation of certificates	6 (") 8 (") 9 (") 10 Certification and surveillance procedures 12 (") 15 (") 16 (") 18 (") 19 (")
Professional Integrity	3 General requirements	3 (")
IV.3 Impartiality	4 (a) Administrative structure 6 (b) Organizational structure	4 (a) (") 6 (b) (")
IV.4 Professional secrecy	13 Confidentiality	13 (")

A.2 The above clauses provide the basis for assessment against the Annex IV criteria. However, in order to comply fully with the requirements of Article 18 and also to promote mutual confidence in the assessment process the following requirements should also apply:

- Scope of designation:

This should be defined in relation to harmonized technical specifications and/or Guidelines for ETAs recognized for the purposes of the CPD.

- Method of assessment:

Assessment must be made against the Annex IV criteria. This may be achieved through a formal accreditation scheme, by a recognized accreditation body, based on EN 45011 and/or EN 45012 as appropriate, plus the specific requirements of the CPD not covered by these standards.

ANNEX B: INTERPRETATION OF ANNEX IV REQUIREMENTS FOR INSPECTION BODIES

B1. The requirements set out in Annex IV of the Directive are considered to correspond to the following clauses in EN 45012 (see below for the relevant clauses of EN 45004). The application of this standard should take account of the size and complexity of the organization being assessed and its technical scope and should not lead to the imposition of unnecessary bureaucracy. The tasks of FPC inspection are somewhat different to those of FPC certification and EN45012 should be applied with this difference in mind. Sections of EN 45012 covering certification are included in [].

Annex IV Criteria		Relevant clauses of EN 45012	
IV.1	Availability of: personnel	4 (b) 7	Administrative structure [Certification] personnel
	means	11	[Certification and] surveillance facilities required
	equipment	11	[Certification and] surveillance facilities required
IV.2	Technical competence	6	Organizational structure
		8	Documentation and change control
		9	Records
		10	[Certification and] surveillance procedures
		12	Quality Manual
		15	Appeals
		16	Internal audit and periodic review
18	Complaints		
	Professional integrity	3	General requirements
IV.3	Impartiality	4 (a)	Administrative structure
		6(b)	Organizational structure
IV.4	Professional secrecy	13	Confidentiality

B2. Where assessment is based on EN 45004 rather than EN 45012, it is only bodies of Type A (providing third party service and as defined in EN 45004 para 4.2.1 and Annex A), that can be notified (see section 3.5 of this document on notified bodies linked to a manufacturer). The following clauses of that standard are considered relevant (note that, for Clause 13 of EN 45004, it is only the aspect relating to inspection reports that is relevant; inspection bodies do not issue certificates):

Annex IV Criteria		Relevant clauses of EN 450004	
IV.1	Availability of: personnel	8	personnel
	means	10	Inspection methods and procedures
	equipment	9	Facilities and equipment
IV.2	Technical competence	3.3	Documentation
		6	Organization and management
		7	Quality system
		10	Inspection methods and procedures
		11	Handling inspection samples and items
		12	Records
		13	Inspection reports (and inspection certificates)
15	Complaints and appeals		
	Professional integrity	4	Independence, impartiality and integrity
IV.3	Impartiality	4	Independence, impartiality and integrity
IV.4	Professional secrecy	5	Confidentiality
IV.5	Civil liability insurance	3.4	Administrative requirements

B3. The above clauses provide the basis for assessment against the Annex IV criteria. However, in order to comply fully with the requirements of Article 18 and also to promote mutual confidence in the assessment process the following requirements should also apply:

- Scope of designation:

This should be defined in relation to harmonized technical specifications and/or Guidelines for ETAs recognized for the purposes of the CPD.

- Method of assessment:

Assessment must be made against the Annex IV criteria. This may be achieved through a formal accreditation scheme, by a recognized accreditation body, based on EN 45012 or alternatively on EN 45004.

ANNEX C: INTERPRETATION OF ANNEX IV REQUIREMENTS FOR TESTING LABORATORIES

C1. The requirements set out in Annex IV of the Directive are considered to correspond to the following clauses in EN 45001. The application of this standard should take account of the size and complexity of the organization being assessed and its technical scope and should not lead to the imposition of unnecessary bureaucracy.

Annex IV Criteria		Relevant clauses of EN 450001	
IV.1	Availability of: personnel	5.2	personnel
	means	5.3.1	Availability
	equipment	5.3.2	Premises and equipment
IV.2	Technical competence	5.3.3	Equipment
	Professional integrity	5	Technical Competence
IV.3	Impartiality	4	Independence, impartiality and integrity
IV.4	Professional secrecy	4	Independence, impartiality and integrity
		5.4.6	Confidentiality and security

C2. The above clauses provide the basis for assessment against the Annex IV criteria. However, in order to comply fully with the requirements of Article 18 and also to promote mutual confidence in the assessment process the following requirements should also apply:

- Scope of designation:

Scope shall be defined by reference to one of more tests or types of tests recognized for the purpose of the CPD (see EN 45002 Clause 4 - Scope of accreditation)

- Method of assessment:

Assessment must be made against the Annex IV criteria. This may be achieved through a formal accreditation scheme, by a recognized accreditation body, based on EN 45001 plus the specific requirements of the CPD not covered by the standard. Additional guidance for the assessment of testing laboratories may be found in EN 45002 "General criteria for the assessment of testing laboratories".

ANNEX D: GUIDANCE FOR MEMBER STATES ON LETTERS OF DESIGNATION OF APPROVED BODIES

D1 Member States are each responsible for designating testing laboratories, certification and inspection bodies (Art. 18.1).

D2 The precise format of designation may vary, depending on the legal requirements and specific arrangements in each Member State. However, in the interest of creating the maximum of mutual confidence in the organizations concerned, formal letters of designation should at least be consistent in the points that they deal with.

D3 All letters of designation should, as a minimum, cover the following points:

1. The legal basis for designation.
2. Definition of the tasks for which the body is designation according to the CPD:
 - certification of product conformity to specification
 - certification of factory production control system
 - inspection of factory production control system.
 - testing
3. Definition of the products and/or tests for which the body is designation (with reference to harmonized European technical specifications and/or Guidelines for ETAs and/or to European test standards or parts thereof or test methods referred to by ETAs).
4. Period for which designation is valid.
5. Requirement either of continued compliance with EN 45000 as necessary for CPD purposes, or otherwise state how compliance with the Annex IV criteria is to be demonstrated. Information on important changes in personnel or equipment to be communicated to the designating authority.
6. Requirement of annual evidence of civil liability insurance cover.
7. Obligation to take part in proficiency testing, if required.
8. Conditions under which designation may be withdrawn, including failure to comply with the Annex IV criteria.
9. Requirement that full records shall be kept, particularly of applications for tests; certification or inspections and of the results.
10. Provision for the designating authority to have access to these records.
11. In the case of withdrawal of designation, requirement for the records to be transferred to the designating authority, or continued access to be assured.
12. Provision for the designating authority to be given access to carry out any inspections it may consider necessary in order to ensure compliance with the terms of designation.

ANNEX E: GUIDANCE ON NOTIFICATION TO THE COMMISSION

The following is the form that Member States should adopt for the notification of designated bodies to the Commission. Further forms, not shown here, would be needed for the extension or withdrawal of notification.

<p>A TECHNICAL HARMONIZATION DIRECTIVE</p> <p>Date:</p> <p>From:</p> <p style="text-align: right;">To: (other Member States, Secretariat of the Commission)</p> <div style="border: 1px solid black; padding: 2px; margin: 5px 0;"> <p>1. Reference: Directive No. 89/106/EEC</p> </div> <p>2.A Name of body, acronym, telephone no/fax</p> <div style="border: 1px solid black; height: 60px; margin: 5px 0;"></div> <p>2.B Identification number of body</p> <p>3. Period of validity of notification:</p> <div style="border: 1px solid black; padding: 2px; margin: 5px 0; width: 150px;"> <p>Unlimited</p> </div> <div style="border: 1px solid black; padding: 2px; margin: 5px 0; width: 150px;"> <p>Valid until</p> </div> <p>4. Technical qualifications of the body (accreditation or other official authorization):</p> <div style="border: 1px solid black; height: 50px; margin: 5px 0;"></div>	<p>5. Tasks performed by the body</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 33%; text-align: left; padding: 2px;">Products/range of products</th> <th style="width: 33%; text-align: left; padding: 2px;">Procedures/Modules</th> <th style="width: 33%; text-align: left; padding: 2px;">Articles/Annexes</th> </tr> </thead> <tbody> <tr> <td style="height: 300px; border-right: 1px dotted black;"></td> <td style="border-right: 1px dotted black;"></td> <td></td> </tr> </tbody> </table>	Products/range of products	Procedures/Modules	Articles/Annexes			
Products/range of products	Procedures/Modules	Articles/Annexes					

(1) OJ C 10/1 of 16.10.1990

GUIDANCE PAPER E

(concerning the Construction Products Directive - 89/106/EEC)

LEVELS AND CLASSES IN THE CONSTRUCTION PRODUCTS DIRECTIVE

(issued following consultation of the Standing Committee on Construction at the 47th meeting on 01 July 1999, as document CONSTRUCT 99/337 Rev.1)

Contents

1. Scope
 2. Classes (and levels) of essential requirements (on works and parts thereof)
 3. Levels of product performance - threshold levels
 4. Classes of product performance
 5. National provisions on works and parts thereof
- Annex: overview of classes and levels in the CPD

LEVELS AND CLASSES IN THE CONSTRUCTION PRODUCTS DIRECTIVE

1. Scope

This Guidance Paper clarifies the use of classes and levels within the context of the implementation of Council Directive 89/106/EEC (hereafter referred to as the Construction Products Directive or CPD), as amended by Council Directive 93/68/EC. It also addresses the related issue of national provisions on works and the fitness for use of construction products.

The Guidance Paper is intended for technical specification writers (CEN/CENELEC and EOTA members), for consideration together with the respective mandates and provisions given therein, and regulators and enforcement authorities within the European Economic Area (EEA). It takes account of the Communication of the Commission with regard to the interpretative documents of Directive 89/106/EEC.

The Guidance Paper refers, in particular, to Articles 2(1), 3(2), 4(2), 6(1), 6(3), 12(2) and 20 of the CPD and sections 1.2 of the Interpretative Documents. The full text of these provisions can be found on the Internet site of DGIII/D3. The Annex provides a summary of the underlying basis of the paper.

2. Classes (and levels) of essential requirements (on works and parts thereof)

Definition and analysis:

A quantitative expression of the behaviour of a construction works or parts thereof, for an action to which it is subject or which it generates under the intended service conditions. Classes express the range of performance levels of construction works in relation to the Essential Requirements of the CPD. The need for them derives from the differences in the levels for essential requirements on works in the Member States, for the reasons set out in Article 3(2) of the CPD.

The use of such classes of essential requirement is obligatory for Member States wishing to fix performance levels for the works to be observed on their territory (CPD Article 6.3). As the Member States are responsible for the design and execution of construction works and harmonisation of these aspects is not currently foreseen, it is considered that the need for the establishment of classes of essential requirements at a European level will be limited. The Commission will consider any request to establish such classes. Any decisions on classification systems would have to be elaborated in accordance with the procedures laid down in Article 20 of the CPD.

Example:

Essential Requirement No.2 – resistance to fire. The classification of resistance to fire performance generally applies to works or parts of works (e.g. walls, floors, roofs, partitions) rather than products, although the two do coincide in some cases (e.g. fire doors, smoke curtains, cables, ...). In specifying the requirements for resistance to fire in works, the Member States are obliged to refer to the European classification system that has been established.

Guidance for technical specification writers:

Product specification writers are not expected to make proposals for classes of essential requirements, as they are a regulatory matter concerning works. However, technical specifications must be adapted to incorporate any classes of essential requirements established at a European level according to the above procedure.

3. Levels of product performance - threshold levels

Definition and analysis:

A quantitative expression of the behaviour of a construction product, for an action to which it is subject or which it generates under the intended use conditions. Levels of product performance can relate to the product as whole or to individual characteristics or combinations of characteristics. They can be used to define a construction product for a specific intended use , to set a minimum performance below which a product cannot in any circumstances be considered fit for that use (threshold levels) or as a basis for the establishment of classes of product performance. The latter are dealt with in the following chapter. Threshold levels are not subject to Articles 3(2) and 6(3) of the CPD.

All construction products have to be properly defined in the technical specifications, for the use for which they are intended. In this context, it may be necessary to fix threshold levels relating to aspects of a product's performance – e.g. characteristics (for performance based specifications), composition or dimensions (for descriptive specifications, where appropriate).

Fitness for use is a fundamental concept of the CPD, but is dependent upon the intended use of the product and is subject to national provisions on the design and execution of works (Article 2.1 of the CPD). However, it may be necessary to fix minimum levels of performance at a European level, relating to some or all aspects of a product's performance. Two principles determine the need for such threshold levels to be fixed in technical specifications. Firstly, there may be levels for certain performance characteristics below which a construction product cannot under any circumstances be considered fit for a specific intended use. Secondly, threshold levels of product performance may be necessary to ensure that unsafe, or otherwise dangerous or unfit, products cannot achieve the CE marking, and hence be placed on the EEA market, simply by the producer declaring a very low performance for all of the required characteristics. These levels would provide a minimum performance threshold for the European market, without removing the possibility for Member States to fix more stringent levels for specific intended uses where appropriate (see chapter 5).

The extent of the breakdown of intended uses within a technical specification will have an influence on the need to fix minimum levels of performance. For example, if no breakdown of intended use is specified (i.e. general use), then the only level required would be the threshold below which the defined product cannot be considered fit for any possible use (i.e. the level for the least demanding use and not the level required to guarantee a minimum fitness for all possible uses). A product falling below this threshold could not be CE marked on the basis of the technical specification and could not normally be placed on the European market. The more intended use is differentiated, the more relevant levels on product performance become.

In some cases, a pass/ fail test may be an acceptable means of expressing a minimum performance for a given characteristic. This will depend upon the nature of the characteristic and the method of determination used.

Where threshold levels of product performance have been established in technical specifications to define a product for a specific intended use, the "No Performance Determined" option cannot be invoked by producers for those characteristics concerned, even if some Member States do not regulate explicitly for that characteristic.

Examples:

Threshold level for product definition – (1) below a certain threshold level of compressive strength, a cuboid of a certain material cannot under any circumstances be considered to be a "brick"; (2) a chimney flue cannot be permitted to allow large quantities of smoke to escape through its walls.

Threshold level for a specific intended use – products with a thermal conductivity at 10°C > 0.06 W/(m.K) or a thermal resistance < 0.25 m².K/W are not considered by CEN TC88 to be "thermal insulation products" falling within the scope of their European standards (i.e. their intended use is not considered to be to provide thermal insulation).

Performance level set by pass/ fail test – the assessment of the characteristic "impact resistance" is often carried out by means of pass/ fail tests. An example is the test for the resistance to soft body impact for internal partition kits (EOTA) – if tested for this characteristic, minimum levels are fixed for "no penetration, no collapse, no other dangerous failure", depending upon the use category.

Guidance for technical specification writers:

The fixing of threshold levels of product performance, either to define a construction product for a specific intended use or to set a minimum performance below which a product cannot in any circumstances be deemed fit for that use, is considered to be a technical matter delegated to the competent bodies recognised by the Commission for the drawing up of technical specifications. No further intervention of the EC or SCC is generally foreseen on such matters.

The threshold levels of product performance established according to the guidance in this section form an integral part of the technical specifications (e.g. the harmonised normative part of a European standard to which its Annex Z refers), in effect defining their scope and hence the products that may be CE marked through them. Specification writers must therefore adhere to certain principles in fixing such levels:

- if there is a real, and demonstrable, technical need for a threshold level, then it should be fixed. Where a technical specification covers more than one intended use, different threshold levels may be necessary for each category of use;
- threshold levels must not be used by specification writers to exclude existing products that are already legally placed on the European market. It follows that minimum levels of performance should not be above the lowest currently accepted level in the European Union;
- threshold levels must not be used to exclude products that could be considered fit for some intended uses but not all (it is clear, however, that levels for specific intended uses will exclude products that cannot ever be considered fit for that use);
- threshold levels must not be used as an arbitrary means of discrimination between products or producers. Competing products shall not be excluded from the scopes of technical specifications, unless there are important and justified reasons for doing so.
- finally, the search for consensus on a given level of product performance should not hold up the delivery of the technical specification.

Given the de facto compulsory nature of existing European technical specifications under the CPD, specification writers abusing the above principles may be subject to action under Articles 81 (e.g. concerted practices having the effect of distorting competition) and 82 (e.g. abuse of dominant position to limit markets) of the EC Treaty.

Where the threshold levels of product performance fixed in technical specifications are minimum European values, not enabling the fitness for a specific intended use in a particular Member State to be established, the actual performance of the product will also have to be declared with the CE marking. This is not the case for levels set by pass/ fail tests, as compliance with the technical specification will demonstrate that a product has passed a given test.

4. Classes of product performance

Definition and analysis:

A quantitative expression of the behaviour of a construction product, for an action to which it is subject or which it generates under the intended use conditions, expressing the range of performance levels of a product in relation to the Essential Requirements. Classes can refer to the product as whole or to individual characteristics or combinations of characteristics.

Each Essential Requirement may give rise to the establishment of classes in the technical specifications. The Interpretative Documents (Section 1.2 of each ID) distinguish between two types of classes of product performance: those which are identified as the means of expressing the range of requirement levels of the works, arising from differences specified in Article 3(2) of the CPD (hereafter called "regulatory" classes of product performance) and those which aren't (hereafter called "technical" classes of product performance).

Regulatory classes may be necessary where there is a correspondence between the performance of the works and that of the product itself (i.e. the requirements on the works are directly expressed as a function of product performance). Such classes shall be established according to the procedure foreseen by Article 20(2) of the CPD. The range of levels covered by these classes depends upon the existing and justified levels encountered in the Member States. The provisions of Article 6(3) of the CPD apply to regulatory classes, obliging Member States to use them if specifying performance levels to be observed on their territory.

Technical classes, often referred to as "classes of convenience", are classes of product performance established as a means of convenience for specifiers, manufacturers and purchasers where justified differences specified in Art. 3(2) of the CPD have not been identified or where a classification of product performance has not been identified as the means of expressing the range of requirement levels of the works. They are intended to make it easier to use the technical specification to relate a product's performance to its intended use (I.D.s section 1.2). Where necessary, specification writers may establish such classes themselves, keeping the Commission and the Standing Committee informed. They are not classes according to Article 3(2) of the CPD and Article 6(3) does not apply (i.e. Member States are not obliged to refer to technical classes when setting performance levels to be observed on their territory, but may do so if they see fit).

Nevertheless, technical classes for mandated product characteristics would form an integral part of the technical specifications (e.g. the harmonised normative part of a European standard to which its Annex Z refers) and would be used as the means of expressing the performance of the product in the information accompanying the CE marking. They would thus be obligatory for producers complying with the technical specification (but see paragraph 4.13 for a derogation from this principle).

Examples:

Regulatory classes – ER2, reaction to fire – there is a direct link between the ER and the performance of construction products, in terms of the combined influence of a number of characteristics (i.e. the requirements on the works are directly expressed as a function of product performance). All 15 Member States use a classification of product performance as the means of expressing the range of requirement levels of the works. The different classification systems and test methods in use constitute technical barriers to trade and thus need to be harmonised at a European level.

Technical classes – the "strength" classes of cement, for which the technical need derives from the continuous nature of the production process and the related sampling and testing regimes. Such classes have not been identified as the means of expressing the range of requirement levels of the works and have thus not been proposed as regulatory classes. They are, however, necessary to achieve the objective of the standard and may be referred to in national provisions, if appropriate.

"Non-classes" – technical specification writers often use the term "classes" to cover many different aspects of a product's performance and use. Many of these so-called classes are in fact "intended use categories" (e.g. sootfire resistance "classes" for chimneys – with or without), "exposure conditions" (e.g. exposure "classes" XC1 (dry), XC2 (wet, rarely dry) etc for concrete) or even "product types" (e.g. "classes" of cement type CEM I, CEM II etc). It would help considerably if such descriptors were no longer referred to as "classes".

Guidance for technical specification writers:

Where classes of product performance are identified as the means of expressing the range of requirement levels of the works, arising from differences specified in Article 3(2) of the CPD, specification writers may submit a justified proposal for the establishment of regulatory classes to the Commission, which will consider the request. If appropriate, the Commission will submit a draft of the measures to be taken to the SCC, according to the procedure of Article 20(2) of the CPD.

As regards technical classes, specification writers may, subject to the conditions of paragraph 4.11 being fulfilled, establish such classes themselves, keeping the Commission and the Standing Committee informed.

Where classes of product performance are established, certain principles must be adhered to, as follows:

- there must be a real, and demonstrable, technical or regulatory need for classes. A technical need may arise, for example, from the use of a particular test method, the nature of the production process or the different intended uses of a product;
- technical classes must be compatible with the existing national provisions of all of the Member States (i.e. the existing levels in the Member State must be taken into account in the definition of technical classes) ;
- the classification must not be used to exclude existing products that are already legally placed on the European market; It follows that minimum class levels should not be above the lowest currently accepted level in the European Union;
- the classification must not be used to exclude products that could be considered fit for some intended uses but not all;
- classes must not be used as an arbitrary means of discrimination between products or producers;
- classes must not be used to artificially partition the European market (i.e. classes that, in effect, define market segments must have a sound basis linked to the satisfaction of the Essential Requirements);

- a "no performance determined" class shall be set up, if at least one Member State has no legal requirement relating to a specific intended use. However, the provisions of paragraph 3.6 should also be adhered to in setting up such classes;

- in addition, care should be taken that classes do not interfere with the design process. Often, an exact or characteristic value for a particular aspect of a product's performance is needed to be able to carry out the required calculations;

- finally, the search for consensus on a given classification system should not hold up the delivery of the technical specification.

It is clear from the above conditions that classes of product performance, particularly technical classes, should be considered to be the exception rather than the rule and should only be established where necessary to achieve the objective of the technical specification and the CPD. The provisions of paragraph 3.12 also apply to technical classes.

Note: so as not to hold up the delivery of European technical specifications, it is recognised that some specification writers have already defined "optional" classes of product performance that may be used as an alternative to the declaration of a performance value. Whilst this element of choice indicates that such classes are not necessary from a technical point of view, their use does not conflict with the objectives of the CPD and can thus be accepted. However, in such cases, the determined value of the characteristic shall always be declared with the CE marking, either on its own or accompanying the declared class.

5. National provisions on works and parts thereof

Principles:

Member States are responsible for ensuring that building and civil engineering works on their territory are designed and executed in a way that does not endanger the safety of persons, domestic animals and property, while respecting other essential requirements in the interests of general well-being. (CPD 1st Whereas)

National provisions on the design and execution of construction works have consequences for the required performance of construction products, as the latter have to be fit for use in such works. These national provisions vary throughout Europe because of, inter alia, differences in the philosophy of regulation, the definition of criteria and the required levels of protection. In the short term, it is not foreseen to harmonise such national provisions on the design and execution of works. Differences in geographical or climatic conditions or in ways of life also lead to justified differences in national provisions and these aspects cannot be harmonised.

Fitness for use means that a product has such characteristics that the works in which it is to be incorporated, assembled, applied or installed, can, if properly designed and built, satisfy the essential requirements of the CPD (Article 2(1) of the CPD). In the absence of harmonisation at a European level, the fitness for use of construction products can only be properly assessed within the context of national provisions on the design and execution of works and parts thereof. For the time being, therefore, fitness for use is primarily a national level concept rather than a European one. Similar types of works in different Member States may have different performance requirements, resulting in different demands being made on construction products.

It follows that where national provisions on the design and execution of works relating to the Essential Requirements are expressed in terms of product performance, Member States may regulate on the required levels of performance of construction products for specific intended uses. This principle applies whether or not regulatory classes of product performance have been established. Given the complex interaction between works and products, this will inevitably lead to situations in which a given product cannot be used in the same application throughout Europe, even though it bears the CE marking. The CE marking and the accompanying information will, however, permit the fitness for use for a given use in a given Member State to be established, without any further procedures, tests or conformity evaluation being required.

Article 6(1) of the CPD states that "Member States shall not impede the free movement, placing on the market or use of products which satisfy the provisions of this directive". In order to satisfy the provisions of the directive, products have to be fit for use, which, as stated above, currently depends on national provisions on the design and execution of works. The term "or use" in Art. 6(1) is intended to prevent the erection of artificial barriers to the use of construction products and does not remove the possibility for Member States to regulate on the design and execution of works or parts thereof, on the basis of the differences specified in Article 3(2) of the CPD.

It should, however, be noted that the Member States' right to regulate does not extend to the systems of attestation of conformity for construction products, which are fixed under European law (principle of direct application).

Examples:

Wall coverings (reaction to fire): Member State(1) requires wall coverings in hotel escape routes to be Euroclass A2 or better, whereas Member State(2) requires wall coverings in hotel escape routes to be Euroclass A1. Thus, class A2 products that are fit for use in hotel escape routes in the first Member State will not be considered fit for that same use in the second.

Road safety barriers: the performance requirements for road safety barriers will vary according to, for example, the type of road and it is clear that not all CE marked safety barriers will have the required performance for all types of road. If the definitions of, for example, road types and requirements are not harmonised throughout Europe, then the acceptable use of products will necessarily be governed by national provisions on the design and execution of works. Again, fitness for use is a national level concept rather than a European one.

ANNEX – OVERVIEW OF CLASSES AND LEVELS IN THE CPD

Works	Interpretative Documents	Products
<p>Design and execution – competence of Member States. 1st whereas</p> <p>Works must satisfy Essential Requirements (where subject to provisions containing such requirements). Art. 3(1) and Annex 1</p> <p>Essential Requirements have an influence on the technical characteristics of products. Art. 3(1)</p> <p>Member States may have different levels of essential requirement (due to differences in geographical or climatic conditions, ways of life and level of protection). Art. 3(2)</p> <p>Classes of essential requirement may be needed to take account of the above differences in levels of requirement. Art. 3(2)</p> <p>Levels of essential requirement are analogous to classes.</p> <p>Positive SCC opinion required to establish classes of essential requirement. Art. 20(2)(a)</p> <p>Obligation on Member States to use classes of essential requirement to set performance levels, if they have been established. Art. 6(3)</p>	<p>Give concrete form to the Essential Requirements on the works, indicating classes or levels for each requirement where necessary. Art. 12(2)(a)</p> <p>Indicate methods of correlating these classes or levels of requirement with the technical specifications (e.g. methods of calculation and proof, technical rules for project design etc). Art. 12(2)(b)</p> <p>Classification of product performance may be identified as the means of expressing the range of requirement levels of the work, on the basis of differences specified in Art 3(2) – "regulatory" classes. IDs para 1.2.1</p> <p>Positive SCC opinion required to establish regulatory classes. Art. 20(2)(a)</p> <p>Otherwise, "technical" classes of product performances could be established to make it easier to use the technical specification to relate product performance to its intended use. IDs para 1.2.2</p> <p>If needed, such technical classes would be established by specification writers, keeping the Commission and the SCC informed. IDs para 1.2.2</p> <p>They form an integral part of the technical specifications.</p>	<p>Play a part with respect to the Essential Requirements. Art. 13(4)(a)</p> <p>Must be fit for use – i.e. have such characteristics that the works, if properly designed and built, can satisfy the Essential Requirements. Art. 2(1) and 4(2)</p> <p>Fitness for use is thus related to the characteristics of the product, the part played with respect to the ERs and national provisions on the design and execution of works (i.e. there is a national dimension to the definition of fitness for specific uses).</p> <p>Products need to be properly defined, which may give rise to threshold levels on composition or performance.</p> <p>Threshold levels may also be necessary to guarantee a minimum product performance, below which it could not be considered fit for a specific intended use.</p> <p>Products must comply with technical specifications. Art. 4(2)</p> <p>The above threshold levels of product performance thus form an integral part of the technical specifications.</p>



EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Conformity and standardisation, new approach, industries under new approach
Construction

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GUIDANCE PAPER J

(concerning the Construction Products Directive - 89/106/EEC)

TRANSITIONAL ARRANGEMENTS UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

(issued following consultation of the Standing Committee on Construction at the 49th meeting on 28/29 March 2000, as document CONSTRUCT 99/382 Rev.1)

Preface

Article 20 of the Construction Products Directive (89/106/EEC) states that the Standing Committee may, "at the request of its Chairman or a Member State, examine any question posed by the implementation and the practical application of this Directive".

*In order to ensure as far as possible a common understanding between the Commission and the Member States as well as among the Member States themselves as to how the Directive will operate, the competent services of the Commission, assuming the chair and secretariat of the Standing Committee, may issue a series of **Guidance Papers** dealing with specific matters related to the implementation, practical implementation and application of the Directive.*

These papers are not legal interpretations of the Directive.

They are not judicially binding and they do not modify or amend the Directive in any way. Where procedures are dealt with, this does not in principle exclude other procedures that may equally satisfy the Directive.

They will be primarily of interest and use to those involved in giving effect to the Directive, from a legal, technical and administrative standpoint.

They may be further elaborated, amended or withdrawn by the same procedure leading to their issue.

TRANSITIONAL ARRANGEMENTS UNDER THE CONSTRUCTION PRODUCTS DIRECTIVE

1. Scope

- 1.1 This Guidance Paper considers the issue of transitional arrangements within the context of the implementation of Council Directive 89/106/EEC¹ (hereafter referred to as the Construction Products Directive or CPD), as amended by Council Directive 93/68/EC².
- 1.2 The Guidance Paper is intended for technical specification writers (CEN/CENELEC and EOTA members), regulators and enforcement authorities within the European Economic Area (EEA), notified bodies and industry.
- 1.3 In the context of this Guidance Paper the term “transitional arrangements” refers to the time period during which national and European technical specifications are both available for use by producers placing their products on the EEA market – the period of co-existence. References to Member States in the document also apply to the EEA EFTA States. References to CEN also apply to CENELEC. References to national provisions apply to laws, regulations and administrative provisions of the Member States.
- 1.4 The guidance provided in this document provides a framework within which the Commission and the Member States will bring into use the technical specifications produced in support of the CPD. All aspects of the system’s functioning will be closely monitored by the Commission and the guidance reviewed in the light of experience.

2. Introduction

- 2.1 The main objective of a period of co-existence is to allow producers and notified bodies to adapt gradually to the conformity assessment procedures and the essential requirements set up by a directive. Producers, importers and distributors also need to be given time to exercise any rights they have acquired under the rules predating the entry into force of the new regime (e.g. to sell their stocks of products manufactured in line with the national rules previously in force).
- 2.2 Unlike most other “new approach” directives, the CPD does not have an explicit, dated transition period during which producers have the choice between complying with the directive or with national rules. Instead, transitional arrangements are governed by Article 6(2), which states :

“Member States shall, however, allow products not covered by Article 4(2) to be placed on the market in their territory if they satisfy national provisions consistent with the Treaty until the European technical specifications referred to in Chapters II and III provide otherwise.”

- 2.3 The interpretation of this article is that each European technical specification will make provisions for a period of co-existence covering the products falling within its

¹ OJ L 40, 11.2.1989

² OJ L 220, 30.8.1993

scope. It also follows from Article 6(2) that once this period of co-existence is over for a given technical specification, Member States can no longer allow those products satisfying pre-existing national provisions to continue to be placed on the EEA market. All products falling within the scope of the technical specification must thereafter comply with all of the provisions of the CPD.

3. The case of European product standards (hEN)

3.1 Key events/ dates

Event	Description	Action
Date of Availability (DoA) of hEN ³	The date when the definitive text in the official CEN language versions of a ratified hEN is distributed by the CEN/MC. CEN rules require its members to announce the hEN within 3 months and publish (transpose) it within 6 months.	CEN / NSBs
Notification of the hEN to the EC	Official notification by CEN, by letter to the EC, that the hEN fulfils the conditions necessary for presumption of conformity with the provisions of Articles 2 and 3 of the CPD. The Commission will inform the Member States.	CEN / EC
Publication of the hEN reference in the OJEC	The Commission shall publish the reference of the hEN in the “C” series of the Official Journal of the European Communities. <i>(Proposal : by default <u>nine months</u> after the DoA of the hEN, unless otherwise agreed).</i>	EC
Publication of the hEN reference by national authorities	Member States have an obligation to officially publish the reference to the national standard transposing the hEN, although this is not a precondition for the applicability of the standard. The form of publication will be according to national rules.	MS
Date of Withdrawal (DoW) of national standards	The latest date by which national standards conflicting with the hEN have to be withdrawn by CEN members. The date shall be stated in the foreword of every definitive hEN and shall be published in the OJEC along with the reference. Member States shall give legal validity to this date in a manner appropriate to their national legal system. <i>(Proposal : by default <u>one year</u> after the publication of the reference of the hEN in the OJEC, unless otherwise agreed).</i>	EC/ CEN / NSBs
Date of withdrawal of all conflicting national provisions	At the DoW associated with the hEN, Member States have to terminate the validity of all conflicting national provisions allowing products to be placed on the market.	MS

3.2 Start of the period of co-existence

3.1 Publication of the reference of a hEN in the OJEC signifies that the standard fulfils the conditions necessary for presumption of conformity with the provisions of Articles 2 and 3 of the CPD. Article 4(2)(a) provides that from the date of publication in the OJEC the hEN may be used as the basis for the CE marking of construction products falling within its scope, provided that it has already been transposed by at least one EU

³ This may refer to a single product standard or a coherent package of related product standards. Note that all of the supporting standards needed to apply an hEN must also be available before the co-existence period can begin.

CEN member⁴. Article 6(1) obliges Member States not to impede the free movement, placing on the market or use in their territory of products which satisfy the provisions of the CPD. These two articles together thus provide the legal basis for the commencement of the period of co-existence for the hEN in question.

- 3.2 Member States have an obligation to officially publish the reference to the national standard transposing the hEN (Article 4.2.a), although this is not a precondition for the standard to be used for the purposes of CE marking. In principle, the obligation on Member States to publish this reference arises as soon as the reference to the same hEN is published in the OJEC. Failure to publish would constitute an infringement of European law, unless a procedure is initiated against the standard under the safeguard clause (Article 5.1). Assuming the latter is not the case, Member States' national provisions must also have been adapted/ approximated to provide for the use of hENs and CE marked products in parallel with products complying with the existing national provisions.
- 3.3 As the transposition of the CPD in the Member States will have already established the framework for the acceptance and use of CE marked products, only product-specific provisions will need to be adapted/ approximated (e.g. to establish what the CE marked product is equivalent to in the existing provisions). This activity will include the specification of any classes and levels of performance that are to be observed on the national territory for given intended uses of the products (see EC Guidance Paper E for more information on classes and levels). Such changes to national provisions do not have to be notified to the Commission under the procedure established by Directive 98/34/EC⁵, unless there is a change in the level of requirement involved. They do, however, have to be communicated to the Commission (Article 22.2 of the CPD).
- 3.4 In order to overcome any practical problems associated with different dates of transposition and publication in the Member States, it is proposed that the publication of the reference to hEN in the OJEC shall, by default, take place nine months after the Date of Availability of the standard. In specific cases, this period may be shortened or lengthened, if such a change can be justified⁶ (the SCC will be consulted on a case by case basis). This delay in publication will provide time for the Member States to adapt/ approximate their national provisions and confirm the notification of approved bodies. It will also enable producers to start the process leading to CE marking, if they so wish.
- 3.5 During the period of co-existence, which will thus start on the date of publication of the reference of the hEN in the OJEC, producers are free to choose whether to continue to apply the existing national systems or to affix the CE marking according to the CPD (or both if the market situation so requires)⁷. Member States must permit products satisfying either set of provisions to be placed on the market and used on

⁴ Since a European standard has to be transposed in a uniform way by the NSBs, a manufacturer may choose any of the national standards transposing it.

⁵ OJ L 204, 21.07.1998

⁶ The necessary changes in national provisions will vary according to the type of product involved and the national legal framework. Changes in provisions for products may also necessitate modifications to related provisions on the design and execution of works (e.g. design codes, workmanship standards etc).

⁷ Note also that Article 4(4) of the CPD, which addresses the partial or non-use of a hEN by a producer for products whose attestation of conformity falls under system 3 or 4, also comes into play from the start of the period of co-existence. Further guidance on this procedure is being developed.

their territory⁸. Refusal to accept CE marked products onto the national market would constitute an infringement of European law, unless a safeguard procedure is initiated against the hEN (Article 5.1) or against the product itself (Article 21).

- 3.6 It follows that Member States are obliged to maintain their existing national systems as an option for producers until the end of the period of co-existence (Article 6.2 uses the word “*shall*”). The national standards bodies should also continue to make available copies of national standards applicable under the existing national system, even if they have become obsolete through withdrawal before the Date of Withdrawal specified⁹.
- 3.7 During the period of co-existence, Member States should not make changes to the national system in force which would modify product requirements or the conformity assessment procedure or which would otherwise have an effect on acquired rights. If any such changes are made, in accordance with the EC Treaty, they must be notified at the draft stage, as required by Council Directive 98/34/EC, so that the Commission and other Member States may have an opportunity to submit comments on the proposed amendments.

3.3 End of the period of co-existence

- 3.8 The Date of Withdrawal of the national standards conflicting with the hEN marks the end of the period of co-existence for products falling within the scope of the hEN. Whilst CEN rules on the Date of Withdrawal only place an obligation on CEN members, Article 6(2) of the CPD makes use of this date to place a more wide-ranging obligation on the Member States. The Date of Withdrawal shall be stated in the foreword of each definitive hEN¹⁰ and shall be published in the OJEC along with the reference to the harmonised standard. However, the Member States will have to give legal validity to this date on their territory in a manner appropriate to their national legal system. As the Date of Withdrawal effectively determines the conditions under which products may be placed on the EEA market, the legal competence for its determination lies with the Commission, in consultation with the Member States (SCC), rather than with CEN.
- 3.9 It is proposed that the default Date of Withdrawal (i.e. the duration of the period of co-existence) for hENs shall be one year after the publication of the reference in the OJEC (i.e. normally 21 months after the Date of Availability of the hEN), unless it can be demonstrated to the Commission (e.g. by the CEN TC concerned or the SCC) that this length of time is insufficient for the products in question¹¹. In such cases the Commission, after consulting the Member States, will inform CEN of the date to be applied.
- 3.10 Once the period of co-existence has ended, products falling within the scope of the hEN must comply with all of the provisions of the CPD in order to be placed on the EEA market. Products manufactured in line with the pre-existing national provisions

⁸ See also EC Guidance Paper E regarding the use of products in the context of national provisions on works.

⁹ Member States may need to take action to ensure that this objective is achieved.

¹⁰ If this is missing, for whatever reason, then other provisions will have to be made.

¹¹ Note that an extended period of co-existence could place local producers, complying with a less onerous national standard, in an advantageous position with respect to competitors complying with the European standard. However, there may be sound technical and/or economic arguments for a longer period of co-existence (e.g. capacity of the notified bodies, time required for re-testing, product adaptation etc).

may no longer be placed on the EEA market (Article 6.2). Consequently, products may no longer be manufactured according to national (non-EN) standards, national technical approvals, or other type approvals or certificates issued under the previous system (except for use outside the EEA). **Note** : the validity of a pre-existing national approval or certificate is thus terminated at the end of the period of co-existence, whatever its original lifetime (legal basis : Art. 6.2 of the CPD). However, given the nature of the construction industry, with sometimes long project lead times, this principle should be interpreted with some flexibility by the Member States.

3.11 It follows that the Member States have to take action to terminate the validity of the national system previously in force for the placing on the market of the products in question (e.g. to repeal the relevant national laws, regulations and administrative provisions). As a result, the national measures implementing the CPD and the hEN will be the only mandatory rules in force for the products concerned in every Member State.

3.12 However, as the CPD does not have specific provisions regarding the “putting into service” of construction products, national rules apply to the case of products already placed on the EEA market under the old system prior to the end of the period of co-existence. Member States may authorise the continued use of such products for a reasonable period of time. Of course, this only applies to individual products and not to product types or ranges.

Summary : harmonised European product standards

Start of co-existence period	Date of publication of reference to the hEN in the OJEC. Producers may now affix the CE marking. By this time, MSs must therefore be in a position to accept the placing on the market and use of CE marked products alongside those produced according to pre-existing national provisions (e.g. official publication of the reference to transposed hEN, adaptation of national provisions etc).
During co-existence period	MS must accept the placing on the market and use of CE marked products alongside products conforming with pre-existing national provisions. Producers have a free choice to apply the European and/ or national systems.
End of co-existence period	Date of Withdrawal of conflicting national standards. End of validity of the pre-existing national provisions. Products placed on the EEA market must comply with all of the provisions of the CPD. Products manufactured in line with the previous national systems in force may no longer be placed on the EEA market.

4. The case of European technical approvals (ETA) with guideline (ETAG)

4.1 Preamble

- 4.1 Although an ETAG is not a technical specification as defined by the CPD (hENs and ETAs only), it does have the character of a “*technical specification*” as defined by Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations – “*a specification contained in a document which lays down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures.*”.
- 4.2 An ETAG serves as the basis for the delivery of ETAs, which themselves have to fulfil the conditions necessary for presumption of conformity with the provisions of Articles 2 and 3 of the CPD. As such, an ETAG can be considered to be an instrument for the European harmonisation/ approximation of requirements on construction products. The maintenance of conflicting national requirements is therefore incompatible with EC law and they must be withdrawn within a reasonable period of time.
- 4.3 For the sole purposes of Article 6(2) of the CPD, the ETAG will therefore be accorded the status of a technical specification¹². In principle, then, the treatment of ETAGs should be analogous to that of harmonised European standards – Member States need time to adapt their national provisions to accept CE marked products and producers need a period of co-existence to prepare for the ultimate withdrawal of conflicting national provisions.

4.2 Key events/ dates

Event	Description	Action
Date of availability of ETAG	The date when the definitive text of the ETAG in English is distributed by the Commission to the Member States, with a covering letter of notification. The ETAG officially exists from this date.	EOTA / EC
Publication of the ETAG in Member States	Member States have an obligation to publish the ETAG, although this is not a precondition for its applicability on the European market. The form of publication will be according to national rules. (<i>A common date, stated in each ETAG, will be assumed for the purposes of transition. Proposal : by default <u>nine months</u> after the availability of the ETAG, unless otherwise agreed.</i>)	MS
Date of withdrawal of conflicting national provisions	A common date to be stated in each ETAG. (<i>Proposal : by default <u>two years</u> after the start of the co-existence period, unless otherwise agreed.</i>)	MS

¹² This interpretation will allow orderly transitional arrangements to be established in relation to ETAGs, but certainly does not imply that ETAGs can be used as technical specifications generally, (e.g.) as a direct basis for the CE marking of construction products.

4.3 Start of the period of co-existence

- 4.4 Once an ETAG has been notified to the Member States by the Commission, by letter, a producer may request an ETA from one of the notified approval bodies, although there is not yet any obligation to do so. In principle, the CE marking of products with an ETA is also possible at this time, but Member States have to be given time to adapt/ approximate their national provisions and confirm the notification of approved bodies for attestation of conformity purposes.
- 4.5 As no time period for publication is specified in the CPD, the obligation to publish arises immediately upon receipt of the EC letter. However, the Commission will afford the Member States a reasonable period within which to act. To prevent possible market distortions arising from different dates of publication across Europe, it is reasonable to fix a date by which a given ETAG must be published. This date shall be set by the Commission in consultation with the SCC prior to the ETAG being formally adopted. A default date of nine months will be taken as a base. The agreed date shall appear in the definitive version of the ETAG notified to the Member States by the Commission¹³. Failure to publish the ETAG by a Member State would constitute an infringement of European law.
- 4.6 The period of co-existence will therefore start on the date specified in the ETAG, rather than on its date of availability, as long as all of the required supporting documents (test methods etc) are also available. By this time, the Member States' national provisions must have been adapted/ approximated to provide for the use of ETAs and CE marked products in parallel with products complying with the existing national provisions (see chapter on hENs for more detail). Producers may seek an ETA on the basis of the ETAG and carry out the procedures leading to CE marking before the start of the period of co-existence.
- 4.7 During the period of co-existence producers are free to choose whether to continue to apply the existing national systems or to affix the CE marking according to the CPD. Member States must permit products satisfying either set of provisions to be placed on the market and used on their territory. Refusal to accept CE marked products onto the national market would constitute an infringement of European law, unless a safeguard procedure is initiated against the ETA (Article 5.1) or against the product itself (Article 21). National technical approvals, or similar instruments, may continue to be issued right up until the end of the period of co-existence, although their validity will necessarily be limited in time (i.e. only until the end of the period of co-existence).

4.3 End of the period of co-existence

- 4.8 Article 6(2) requires that the technical specifications provide for a period of co-existence. On the basis of the above arguments, this concept can be extended to ETAGs. Thus, each ETAG shall specify the date of withdrawal of conflicting national provisions¹³. However, the Member States will have to give legal validity to this date on their territory in a manner appropriate to their national legal system. As this date of withdrawal effectively determines the conditions under which products may be placed on the EEA market, the legal competence for its determination lies with the Commission, in consultation with the Member States (SCC), rather than with EOTA.

¹³ If this is missing, for whatever reason, then other provisions will have to be made.

- 4.9 It is proposed that the default date of withdrawal (i.e. the length of the period of co-existence) for each ETAG shall be two years after the start of the period of co-existence (i.e. normally 33 months after the date of availability of the ETAG), unless it can be demonstrated to the Commission (e.g. by the EOTA WG concerned or the SCC) that this length of time is insufficient for the products in question. In such cases the Commission, after consulting the Member States, will inform EOTA of the date to be applied.
- 4.10 Once the period of co-existence has ended, products falling within the scope of the ETAG must comply with all of the provisions of the CPD in order to be placed on the EEA market¹⁴. Products manufactured in line with the pre-existing national provisions may no longer be placed on the EEA market (Article 6.2). Consequently, products may no longer be manufactured according to national (non-EN) standards, national technical approvals, or other type approvals or certificates issued under the previous system (except for use outside the EEA). (*see also paragraph 3.10*)
- 4.11 It follows that the Member States have to take action to terminate the validity of the national system previously in force for the placing on the market of the products in question (e.g. to repeal the relevant national laws, regulations and administrative provisions). As a result, the national measures implementing the CPD and the ETAG will be the only mandatory rules in force for the products concerned in every Member State.
- 4.12 However, as the CPD does not have specific provisions regarding the “putting into service” of construction products, national rules apply to the case of products already placed on the EEA market under the old system prior to the end of the period of co-existence. Member States may authorise the continued use of such products for a reasonable period of time. Of course, this dispensation only applies to individual products and not product types or ranges.

Summary : European technical approvals with guideline

Start of co-existence period	Common date to be fixed in the ETAG. Producers may now affix the CE marking on the basis of an ETA granted in accordance with the ETAG. By this time, MSs must therefore be in a position to accept the placing on the market and use of CE marked products alongside those produced according to pre-existing national provisions (e.g. official publication of the ETAG, adaptation of national provisions etc).
During co-existence period	MS must accept the placing on the market and use of CE marked products alongside products conforming with pre-existing national provisions. Producers have a free choice to apply the European and/ or national systems.
End of co-existence period	Date of withdrawal of conflicting national provisions (fixed in ETAG). End of validity of the pre-existing national provisions. Products placed on the EEA market must comply with all of the provisions of the CPD. Products manufactured in line with the previous national systems in force may no longer be placed on the EEA market.

¹⁴ Note that if the ETAG concerns kits, then the kit is the product referred to here. Components of the kit may still be placed on the market according to national provisions unless they themselves are covered by a technical specification for which the period of co-existence has ended.

5. The case of European technical approvals without guideline

- 5.1 European technical approvals granted according to the procedure laid down in Article 9(2) of the CPD apply to one manufacturer for one product type and do not impose any specific obligations on other producers. The producer applying for an ETA via this route is effectively voluntarily moving to the European system.
- 5.2 Due to the individuality of products using this route to CE marking, it is not envisaged to specify transitional arrangements for these cases, unless a particular problem is identified by the Member States or EOTA. If the need for an ETA Guideline or European standard is subsequently identified, then the relevant transitional arrangements identified above will apply.
- 5.3 Member States have the same obligations regarding their acceptance of the placing on the market and use of these CE marked products as for products following any other route to CE marking (see sections 3 and 4).

6. The case of products not covered by European technical specifications

- 6.1 National provisions apply (Art. 6.2). CE marking is not permitted for such products. The CPD does not impose any obligation on producers to request an ETA within a specific time period.

7. The case of harmonised European fire standards and classification systems

7.1 Preamble

- 7.1 The existence of national fire classification systems represents a technical barrier to trade, irrespective of whether European product specifications are available or not. Once a legal instrument for European harmonisation/ approximation exists, the maintenance of conflicting national systems is incompatible with EC law. The national fire classification systems will therefore have to be withdrawn within a reasonable period of time. This applies not only to construction products, but also to construction works or parts thereof, where the requirements also have an influence on the Internal Market (e.g. resistance to fire for assemblies not covered by product specifications). However, it should be noted that the final withdrawal of the national fire classification systems is not governed by Article 6(2) of the CPD, as complete European product specifications are not involved.
- 7.2 The fire classification packages are expected to become available during 2000, by which time several European product specifications will be ready and waiting to make use of them. The classification systems must therefore be brought into use as soon as possible for products covered by such technical specifications. For other products, producers should also be given the option of using the Euro-classifications at the earliest practical opportunity.
- 7.3 The final withdrawal of national systems should normally only occur once a significant proportion of European product specifications have been delivered and their co-existence periods ended. Nevertheless, to eliminate the problems associated with the maintenance of two parallel systems, it would be in the interests of Member States to definitively adopt the European classification systems as the sole national system at an earlier date. This would also serve to remove technical barriers to trade, in line with Articles 28/30 of the EC Treaty.

7.2 Key events/ dates

Event	Description	Action
Date of Availability of fire classification EN package (fEN)¹⁵	The date when the definitive text in the official CEN language versions of a ratified fEN is distributed by the CEN/MC. CEN rules require its members to announce the fEN within 3 months and publish (transpose) it within 6 months.	CEN / NSBs
Publication of the EC Decision in the OJEC	The Commission shall publish the Decisions establishing the European classification systems in the “L” series of the Official Journal of the European Communities.	EC
Entry into force of the EC Decision	This occurs upon notification of the Decision to those to whom it is addressed (the Member States). However, the Decision will not be applicable until the European fire standards necessary to implement it have been made available.	EC/ MS
Date of Withdrawal of national standards	The latest date by which national standards conflicting with the fEN have to be withdrawn by CEN members. The date shall be stated in the foreword of every definitive fEN. Withdrawal dates for the classification EN and related test ENs should coincide wherever possible.	CEN / NSBs
Withdrawal of conflicting national classification systems	A date to be determined by the Commission in consultation with the Member States. May be different for reaction and resistance to fire.	EC / MS

7.3 Start of the period of co-existence

- 7.4 Once the relevant Commission Decision has been notified to the Member States¹⁶ and entered into force, a European classification system becomes operational with the availability of the complete package of European fire standards necessary to implement it (i.e. the classification standard and related test methods). After this time, Member States have an obligation to accept onto their market CE marked products that incorporate a Euro-classification for one or more fire characteristics. In addition, they must not impede the use of such products (Article 6.1).
- 7.5 The period of co-existence therefore effectively starts on the Date of Availability of the final European standard of the package required to implement a given Decision¹⁷. By this time, Member States’ national provisions must have been adapted to provide for the use of CE marked products with European fire classifications in parallel with products complying with existing national provisions.
- 7.6 For products not covered by European technical specifications (hENs and ETAs) for which the associated period of co-existence has ended (see chapters 3 and 4), producers may also choose to apply and use the European fire classification systems independently. However, where the European fEN package does not provide sufficient

¹⁵ Classification EN and all supporting fire test ENs. Note that the obligations on CEN members arise for each individual EN, but this section considers the fEN package as a whole.

¹⁶ Note that publication of the Decision in the OJEC is not obligatory (EC Treaty), but is normally done shortly after its notification.

¹⁷ Since European standards have to be transposed in a uniform way and neither the CPD or the classification Decisions refer to transposed standards, it is not necessary for the fEN package to have been transposed into corresponding national standards.

information for a product to be correctly classified (e.g. because detailed mounting and fixing instructions are to be provided in a European product specification), then it will not be possible to use the European system, for regulatory purposes, until that information is available in a legally acceptable form.

- 7.7 In principle, the EC Treaty obliges Member States to accept the use of the European classification systems in place of the existing national systems, even in the absence of CE marking. Member States must therefore make provision for the parallel use of European and national classifications for all products within a reasonable period of time.
- 7.8 When a producer chooses to use the European classification system, a Member State may not request an additional national classification for the same end-use application. Conversely, during the period of co-existence for fire classification systems, a producer cannot be obliged to supply a European classification, except for CE marking purposes.

7.4 CE marking requirements

- 7.9 Once the co-existence period for the Euro-classification systems has started, the CE marking of construction products with a fire-related requirement becomes possible, but not compulsory, once the co-existence period for the corresponding European product specification has also begun. For the purposes of CE marking, use of the European classes is obligatory.
- 7.10 Once the period of co-existence associated with the European product specification in question has ended, use of the European classes becomes obligatory for CE marking products falling within its scope (assuming that the characteristic is relevant for the product in question). The continued use of national tests and classifications will thus no longer be permitted for such products placed on the EEA market (i.e. in these cases, the end of the transitional arrangements for fire testing and classification is governed by the ending of the co-existence period associated with the European product specification). Until the end of the co-existence period laid down for the product specification, producers will have a choice to continue to use the national system, whether or not the conflicting national standards have become obsolete through withdrawal.

7.5 Withdrawal of national fire standards

- 7.11 The Date of Withdrawal of national fire standards conflicting with the European standards is governed by CEN rules. The minimum period allowed after the date of availability of the EN is 6 months, whilst the maximum should not normally exceed 3 years.
- 7.12 However, the withdrawal of conflicting national test standards is not a determining step in the implementation of the European fire classification systems¹⁸. The periods of co-existence will be governed by CE marking obligations and the final withdrawal of national classification systems rather than the withdrawal of national fire test standards. To fulfil the objectives of any transitional period, Member States should

¹⁸ In any case, it is not always clear if a national standard can be considered to be conflicting if it concerns a different test method to the European one – e.g. reaction to fire tests. They may also be required for non-construction products.

maintain the existing national systems throughout the period, even if this means making reference to national standards that have become obsolete through prior withdrawal ¹⁹. Fire test certificates according to the national systems may therefore remain valid until either an obligation to CE mark a product arises or the final date of withdrawal of national classification systems has been reached (see below). Testing to national systems may also be permitted until the same time.

- 7.13 The fixing of the Dates of Withdrawal for the fENs is a matter for CEN, in consultation with the Commission and the Member States. The agreed dates will be stated in the foreword of every definitive fEN. For practical reasons the dates of withdrawal associated with a classification package should be co-ordinated.

7.6 End of the period of co-existence ²⁰

- 7.14 The final date of withdrawal of the national fire classification systems will be determined by the Commission in consultation with the Member States, taking account of the needs and concerns of industry. The time to withdrawal should normally be sufficiently long so that a large proportion of European product specifications have been delivered and their periods of co-existence ended (i.e. the use of the Euro-classification systems will anyway be required for the majority of construction products). However, if most Member States have already voluntarily moved definitively to the European system, then this time could be shortened (see para 7.3).
- 7.15 It is proposed that the definitive date by which the national classification systems shall be fully withdrawn be reviewed in the future in the light of progress with technical harmonisation for construction products. Current indications are that a period of between 5 and 10 years from the entry into use of the corresponding European classification systems will be required before such a withdrawal could be contemplated.
- 7.16 From the agreed date, the existing national provisions relating to fire testing and classification for construction products or works will have to be repealed. Only the European classification systems will be valid in the EEA, whether or not all of the European product specifications have been delivered by this time. For products/elements not covered by harmonised technical specifications, the national provisions in force will have to be amended to refer to the EC classification system and associated test methods²¹.

¹⁹ National Standards Bodies may withdraw the conflicting standards at any time up until the Date of Withdrawal, but this does not prevent Member States from maintaining references to these standards.

²⁰ Note that this refers only to construction products for which there is not already an obligation to use the European classification systems as a result of the ending of the co-existence period for the product technical specification.

²¹ Note that national classification systems may remain in force for products not falling within the scope of the CPD (e.g. curtains and drapes in the case of reaction to fire).

Summary : European fire classification systems

<p>Start of co-existence period</p>	<p><i>Date of availability of the whole EN classification package, assuming that the corresponding Decision has entered into force.</i> Member States' regulations must have been adapted to make provision for the use of CE marked products with European fire classifications in parallel with products complying with the existing national provisions. Member States should also have adapted their legislation to permit all producers to make use of the Euro-classification alongside the existing national system.</p> <p>Producers may now affix CE marking, if the product technical specification is also in application. Producers may choose whether to use the European and/ or national fire classification systems, except for the purposes of CE marking.</p>
<p>During co-existence period</p>	<p>MS must accept the use of either the European or existing national classification systems. Producers have a free choice of which system to apply, except for the purposes of CE marking.</p>
<p>End of co-existence period</p>	<p><i>Date of withdrawal of conflicting national classification systems.</i> MS must terminate use of the existing national system. Products placed on the EEA market must from now on have a Euro-classification (if required). (N.B. for CE marking purposes, the end of the period of co-existence of fire classifications is more likely to be governed by the product technical specification).</p>

CONSTRUCTION PRODUCTS (Directive 89/106/EEC)

Mandates for harmonized European Standards

M/100	Precast concrete products
M/101	Doors, windows and related products
M/102	Membranes
M/103	Thermal insulating products
M/104	Structural bearings
M/105	Chimneys, flues and specific products
M/106	Gypsum products
M/107	Geotextiles
M/108	Curtain walling
M/109	Fire alarm/detection, fixed firefighting, fire and smoke control and explosion suppression products
M/110	Sanitary appliances
M/111	Circulation fixtures
M/112	Structural timber products and ancillaries
M/113	Wood-based panels
M/114	Cement, building limes and other hydraulic binders
M/115	Reinforcing and prestressing steel (for concrete)
M/116	Masonry and related products
M/118	Waste water engineering products
M/119	Floorings
M/120	Structural metallic products and ancillaries
M/121	Internal and external wall and ceiling finishes
M/122	Roof coverings, rooflights, roof windows and ancillary products
M/124	Road construction products
M/125	Aggregates
M/126	Amendments to mandates M/100, M/101, M/102 and M/103
M/127	Construction adhesives
M/128	Products related to concrete, mortar and grout
M/129	Space heating appliances
M/130	Amendments to mandates M/100, M/101, M/102, M/103, M/105, M/106 and M/109.
M/131	Pipes, tanks and ancillaries not in contact with water intended for human consumption
M/132	Amendments to M/104, M/111 and M/119

CEN TECHNICAL COMMITTEES INVOLVED IN THE PRODUCTION OF TECHNICAL SPECIFICATIONS UNDER THE CPD

M/100 Precast concrete products

CEN/TC 177 Prefabricated reinforced components of autoclaved aerated concrete or lightweight aggregate concrete with open structure

CEN/TC 229 Precast concrete products

M/101 Doors, windows and related products

CEN/TC 33 Doors, windows, shutters and building hardware

M/102 Membranes

CEN/TC 254 Flexible sheets for waterproofing

M/103 Thermal insulating products

CEN/TC 88 Thermal insulating materials and products

M/104 Structural bearings

CEN/TC 167 Structural bearings

M/105 Chimneys, flues and specific products

CEN/TC 166 Chimneys, flues and specific products

CEN/TC 297 Free-standing industrial chimneys

M/106 Gypsum products

CEN/TC 241 Gypsum and gypsum based products

M/107 Geotextiles

CEN/TC 189 Geotextiles and geotextile-related products

CEN/TC 254 Flexible sheets for water proofing

M/108 Curtain walling

CEN/TC 33 Doors, windows, shutters and building hardware

CEN/TC 229 Precast concrete products

M/109 Fire alarm/detection, fixed firefighting, fire and smoke control and explosion suppression products

CEN/TC 72 Automatic fire detection systems

CEN/TC 191 Fixed firefighting systems

CEN/TC 192 Fire service equipment

M/110 Sanitary appliances

CEN/TC 163 Sanitary appliances

M/111 Circulation fixtures

CEN/TC 50 Lighting columns and spigots

CEN/TC 226 Road equipment

CEN/TC 229 Precast concrete products

M/112 Structural timber products and ancillaries

CEN/TC 112 Wood-based panels

CEN/TC 124 Timber structures

CEN/TC 185 Threaded and non-threaded mechanical fasteners and accessories

CEN/TC 256 Railway applications

ECISS/TC 30 Steel wires

M/113 Wood-based panels

CEN/TC 112 Wood-based panels

M/114 Cement, building limes and other hydraulic binders

CEN/TC 51 Cement and building limes

M/115 Reinforcing and prestressing steel (for concrete)

CEN/TC 104 Concrete

ECISS/TC 19 Concrete reinforcing steel -Qualities, dimensions and tolerances

M/116 Masonry and related products

CEN/TC 125 Masonry

CEN/TC 241 Gypsum and gypsum-based products

M/118 Waste water engineering products

CEN/TC 165 Waste water engineering

CEN/TC 155 Plastic piping systems and ducting systems

M/119 Floorings

CEN/TC 67 Ceramic tiles

CEN/TC 112 Wood-based panels

CEN/TC 129 Glass in buildings

CEN/TC 134 Resilient and textile floor coverings

CEN/TC 175 Round and sawn timber

CEN/TC 178 Paving units and kerbs

CEN/TC 217 Surfaces for sports areas

CEN/TC 229 Precast concrete

CEN/TC 246 Natural stones

CEN/TC 303 Floor screeds and in-situ floorings in buildings

CEN/TC 323 Raised access floors

M/120 Structural metallic products and ancillaries

CEN/TC 135 Execution of steel structures

CEN/TC 256 Railway applications

ECISS/TC 1 Steel testing

ECISS/TC 10 Structural steels - Qualities

ECISS/TC 11 Structural steels - sections

ECISS/TC 12 Structural steels and steels for pressure purposes, flat products - Dimensions, tolerances

ECISS/TC 13 Flat products for cold working - Qualities, dimensions, tolerances and specific tests

ECISS/TC 15 Wire-rod - Qualities, dimensions, tolerances and specific tests

ECISS/TC 23 Steels for heat treatment, alloy steels and free-cutting steels- qualities
ECISS/TC 27 Surface coated flat products - Qualities, dimensions, tolerances and specific tests
ECISS/TC 28 Steel forgings
ECISS/TC 29 Steel tubes and fittings for steel tubes
ECISS/TC 31 Steel castings

M/121 Internal and external wall and ceiling finishes

CEN/TC 67 Ceramic tiles
CEN/TC 99 Wallcoverings
CEN/TC 128 Roof covering products for discontinuous laying and products for wall cladding
CEN/TC 132 Aluminium and aluminium alloys
CEN/TC 133 Copper and copper alloys
CEN/TC 175 Round and sawn timber
CEN/TC 277 Suspended ceilings
CEN/TC 246 Natural stones
CEN/TC 249 Plastics
CEN/TC 306 Lead and lead alloys

M/122 Roof coverings, rooflights, roof windows and ancillary products

CEN/TC 33 Doors, windows, shutters and hardware
CEN/TC 128 Roof covering products for discontinuous laying and products for wall claddings
CEN/TC 178 Paving units and kerbs
CEN/TC 306 Lead and lead alloys
CEN/TC 314 Mastic asphalt for waterproofing

M/124 Road construction products

CEN/TC 19 Petroleum products, lubricants and related products
CEN/TC 227 Road materials
CEN/TC 254 Flexible sheets for waterproofing
CEN/TC 314 Mastic asphalt for waterproofing

M/125 Aggregates

CEN/TC 154 Aggregates

M/126 Amendments to mandates M/100, M/101, M/102 and M/103

CEN/TC 33 Doors, windows, shutters and building hardware
CEN/TC 88 Thermal insulating materials and products
CEN/TC 177 Prefabricated reinforced components of autoclaved aerated concrete or lightweight aggregate concrete with open structure
CEN/TC 229 Precast concrete products
CEN/TC 254 Flexible sheets for waterproofing

M/127 Construction adhesives

CEN/TC 67 Ceramic tiles
CEN/TC 193 Adhesives

M/128 Products related to concrete, mortar and grout

CEN/TC 104 Concrete (performance, production, placing and compliance criteria)

M/129 Space heating appliances

CEN/TC 46 Oil stoves

CEN/TC 110 Heat exchangers

CEN/TC 113 Heat pumps and air conditioning units

CEN/TC 130 Space heating appliances

CEN/TC 295 Residential solid fuel burning appliances

M/130 Amendments to mandates M/100, M/101, M/102, M/103, M/105, M/106 and M/109.

CEN/TC 33 Doors, windows, shutters and building hardware

CEN/TC 72 Automatic fire detection systems

CEN/TC 88 Thermal insulating materials and products

CEN/TC 166 Chimneys, flues and specific products

CEN/TC 177 Prefabricated reinforced components of autoclaved aerated concrete or lightweight concrete with open structure

CEN/TC 191 Fixed firefighting systems

CEN/TC 192 Fire service equipment

CEN/TC 229 Precast concrete products

CEN/TC 241 Gypsum and gypsum based products

CEN/TC 254 Membranes

CEN/TC 297 Free-standing industrial chimneys

M/131 Pipes, tanks and ancillaries not in contact with water intended for human consumption

CEN/TC 69 Industrial valves

CEN/TC 74 Flanges and their joints

CEN/TC 92 Water meters

CEN/TC 108 Sealing materials and lubricants for gas appliances and gas equipment

CEN/TC 133 Copper and copper alloys

CEN/TC 155 Plastic piping systems and ducting systems

CEN/TC 165 Waste water engineering

CEN/TC 193 Adhesives

CEN/TC 197 Pumps

CEN/TC 203 Cast iron pipes, fittings and their joints

CEN/TC 208 Elastomeric seals for joints in pipework and pipelines

CEN/TC 210 GRP tanks and vessels

CEN/TC 218 Rubber and plastic hoses and hose assemblies

CEN/TC 221 Metallic shop fabricated tanks

CEN/TC 228 Heating systems in buildings

CEN/TC 229 Precast concrete products

CEN/TC 230 Water analysis

CEN/TC 235 Gas pressure regulators and associated safety shut-off devices for use in gas transmission and distribution

CEN/TC 236 Non-industrial manually operated shut-off valves for gas and particular combinations valves- other products

CEN/TC 249 Plastics

CEN/TC 266 Thermoplastic static tanks

CEN/TC 286 Liquefied petroleum gas equipment and accessories

ECISS/TC 29 Steel tubes and fittings for steel tubes

M/132 Amendments to M/104, M/111 and M/119

CEN/TC 50 Lighting columns and spigots

CEN/TC 167 Structural bearings

CEN/TC 226 Road equipment

CEN/TC 303 Floor screeds and in-situ floorings in buildings



CEN CONSTRUCTION SECTOR PROGRESS REPORT FOR CANDIDATE HARMONIZED STANDARDS

Summary (Monday 03 September 2001)

Total hEN approved = 52

	N°	Note
Approved hEN available to CEN Members	45	
Drafts which have completed Formal vote/UAP	10	7 approved / 2 not approved/ 1Appeal
Drafts undergoing Formal vote/UAP	07	
Drafts submitted to CMC for Formal vote/UAP	58	
Total in CMC (stages 49 to 64)	120	

DAV: Date of availability of European standard to CEN members for implementation

Dapp (date of applicability): Start of co-existence period (see EC Guidance Paper J) of harmonised European standard and any existing national standards (default = DAV + 9 months)

DOW: Date of withdrawal of conflicting national standards (default = DAV + 21 months)

NB For draft standards the transition periods already agreed are indicated.

*Request made by CEN to EC for publication of reference in EC Official Journal

Approved and made available to CEN Member Bodies

	WI	NSB	EN	Title (Mandate Number)	DAV	Dapp	DOW	OJ Ref
1.	51038	IBN	197-1	Cement – Composition, specifications and conformity criteria for common cements (M/114)	21 Jun 00	01 Apr 01	01 Apr 02	C 20 23.01.01
2.	191068	BSI	12094-5	Fixed firefighting systems - Components for gas extinguishing systems: Requirements and test methods for high and low pressure selector valves and their actuators for CO ₂ systems (M/109)	13 Dec 00	01 Oct 01	01 Oct 02	C 202 18.07.01
3.	191069	BSI	12094-6	Fixed firefighting systems - Components for gas extinguishing systems: Requirements and test methods for non-electrical disable devices for CO ₂ systems (M/109)	13 Dec 00	01 Oct 01	01 Oct 02	C202 18.07.01
4.	191072	BSI	12094-7	Fixed firefighting systems - Components for gas extinguishing systems: Requirements and test methods for nozzles for CO ₂ systems (M/109)	13 Dec 00	01 Oct 01	01 Oct 02	C 202 18.07.01
5.	189037	IBN	13249	Geotextiles/ geotextile-related products - Required characteristics for use in the construction of roads and other trafficked areas (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
6.	189039	IBN	13250	Required characteristics for use in the construction of railways (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
7.	189040	IBN	13251	Required characteristics for use in earthworks, foundations and retaining structures (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
8.	189041	IBN	13252	Required characteristics for use in drainage systems (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
9.	189042	IBN	13253	Required characteristics for use in external erosion control systems (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
10.	189043	IBN	13254	Required characteristics for use in the construction of reservoirs and dams (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
11.	189044	IBN	13255	Required characteristics for use in the construction of canals (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01

12.	189045	IBN	13256	Required characteristics for use in the construction of tunnels and structures underground (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
13.	189046	IBN	13265	Required characteristics for use in liquid waste containment projects (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
14.	189047	IBN	13257	Required characteristics for use in solid waste disposals (M/107)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
15.	167007	UNI	1337-7	Structural bearings - Part 7: Spherical and cylindrical PTFE bearings (M/104)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
16.	165083	DIN	12050-2	Effluent lifting plants for faecal free effluent (M/118)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
17.	165084	DIN	12050-3	Lifting plants for wastewater containing faecal matter for limited applications (M/118)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
18.	165085	DIN	12050-4	Non-return valves for faecal free effluent and effluent containing faecal matter (M/118)	13 Dec 00	01 Oct 01	01 Oct 02	C 180 26.6.01
19.	165082	DIN	12050-1	Lifting plants for wastewater containing faecal matter (M/118)	24 Jan 01	01 Nov 01	01 Nov 02	C202 18.07.01
20.	191046	BSI	12416-1	Powder systems- Part 1: Specifications and test methods for system and components M/109	21 Mar 01	01 Jan 02	01 Jan 03	C202 18.07.01
21.	191078	BSI	12094-13	Fixed firefighting systems - Components for gas extinguishing systems - Requirements and test methods for check valves and non-return valves (M/109)	21 Mar 01	01 Jan 02	01 Jan 03	C202 18.07.01
22.	191140	BSI	12259-2:1999/A1	Sprinkler/ waterspray systems - Wet alarm valves (M/109)	21 Mar 01	01 Jan 02	01 Jan 03	
23.	191141	BSI	12259-3:2000/A1	Sprinkler/ waterspray systems - Dry alarm valves (M/109)	21 Mar 01	01 Jan 02	01 Jan 03	
24.	191142	BSI	12259-4:2000/A1	Sprinkler/ waterspray systems - Water motor alarms (M/109)	21 Mar 01	01 Jan 02	01 Jan 03	
25.	191137	BSI	671-1	Fixed firefighting systems - Hose systems Part 1: Hose reels with semi-rigid hose M/109	11 Apr 01	01 Feb 02	01 Feb 03	C202 18.07.01
26.	191138	BSI	671-2	Fixed firefighting systems - Hose systems Part 2: Hose systems with lay-flat hose M/109	11 Apr 01	01 Feb 02	01 Feb 03	C202 18.07.01
27.	229006	AFN	12839	Precast concrete elements - Elements for fences M/100	16 May 01	01 Mar 02	01 Mar 03	
28.	88044	DIN	13162	Thermal insulation products for buildings - Factory made mineral wool (MW) products - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
29.	88045	DIN	13163	Factory made products of expanded polystyrene (EPS) - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
30.	88046	DIN	13164	Factory made products of extruded polystyrene foam (XPS) - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
31.	88047	DIN	13165	Factory made rigid polyurethane foam (PUR) products - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
32.	88048	DIN	13166	Factory made products of phenolic foam (PF) - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
33.	88049	DIN	13167	Factory made cellular glass (CG) products - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
34.	88050	DIN	13168	Factory made wood wool (WW) products - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
35.	88051	DIN	13169	Factory made products of expanded perlite (EPB) - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
36.	88052	DIN	13170	Factory made products of expanded cork (ICB) - Specifications M/103	23 May 01	01 Mar 02	01 Mar 03	
37.	88108	DIN	13171	Factory made wood fibre products - Specifications	23 May 01	01 Mar 02	01 Mar 03	
38.	241033	AFN	12859	Gypsum blocks - Definitions, requirements and test methods M/106	13 Jun 01	01 Apr 02	01 Apr 03	

39.	241034	AFN	12860	Gypsum-based adhesives for gypsum blocks - Definitions, requirements and test methods M/106	13 Jun 01	01 Apr 02	01 Apr 03	
40.	191139	BSI	12259-1 :1999 +A1	Sprinkler/ waterspray systems - Sprinklers M/109	20 Jun 01	01 Apr 02	01 Apr 03	
41.	33266	AFN	179 :1997/A1	Building hardware - Emergency exit devices operated by a lever handle or push pad - Requirements and test methods M/101	20 Jun 01	01 Apr 02	01 Apr 03	
42.	33265	AFN	1125 :1997/A1	Building hardware - Panic exit devices operated by a horizontal bar- Requirements and test methods M/101	20 Jun 01	01 Apr 02	01 Apr 03	
43.	191045	BSI	12416-2	Powder systems- Part 2:design, construction and maintenance M/109	20 Jun 01	01 Apr 02	01 Apr 03	
44.	104164	DIN	934-2 rev	Admixtures for concrete, mortar and grout - Part 2 Concrete admixtures - Definitions, specifications and conformity criteria	25 Jul 01	01 May 02	01 May 03	
45.	104200	DIN	934-4 rev	Admixtures for concrete, mortar and grout - Part 4 Admixtures for grout - Definitions, specifications and conformity criteria	25 Jul 01	01 May 02	01 May 03	

Formal Vote/UAP Complete (result = approved unless indicated otherwise)								
	WI	NSB	EN	Title	St 49 Actual	Estimate DAV and DOW (these dates may change)		
46.	51050	IBN	459-1 rev	Building lime - Part 1 Definitions, specifications and conformity criteria (M/114)		FV closed Jan 2001. Final French text awaited		
47.	191038	BSI	12101-3	Smoke and heat control systems - Spec for powered smoke and heat exhaust ventilatorsM/109				
48.	165047	DIN	1916	Concrete pipes and fittings, unreinforced steel fibre and reinforced M/118		UAP closed 9 July 2000 Failed Revised draft expected Nov 01 - TC to alert Task Force (DOW = DAV + 24 months agreed by SCC)		
49.	165048	DIN	1917	Concrete manholes and inspection chambers unreinforced, steel fibre and reinforced M/118		UAP closed 9 July 2000 Failed Revised draft expected Nov 01 - TC to alert Task Force (DOW = DAV + 24 months agreed by SCC)		
50.	165044	DIN	588-2	Fibre-cement pipes for sewers and drains - Part 2 Manholes and inspection chambers M/118		FV closed 5 Jan 2001 (DOW = DAV + 21 months) Awaiting final text from TC		
51.	163060	UNI	997 :1997/A1	WC pans with integral trap M/110		UAP close 14 Feb 2001 (DOW = DAV + 21 months) Appeal against result		
52.	112138	DIN	13986	Wood-based panels for use in construction - Characteristics, evaluation of conformity and marking M/113		UAP Close: 26 Feb 2001 (DOW = DAV + 21 months) Awaiting final text from TC - Delay due to discussions with FRG - deemed to satisfy		
53.	178016	BSI	1342 rev	Setts of natural stone for external paving - Requirements and test methods M/119		UAP close 23 Mar 2001 (DOW = DAV + 21 months)		
54.	178017	BSI	1343 rev	Kerbs of natural stone for external paving Requirements and test methods M/119		UAP close 23 Mar 2001 (DOW = DAV + 21 months)		
55.	178015	BSI	1341 rev	Slabs of natural stone for external paving - Requirements and test methods M/119		UAP (4 months) close 23 Mar 2001 (DOW = DAV + 21 months)		
Undergoing Formal Vote/UAP								
56.	178013	BSI	1344	Clay pavers and accessories for flexible and rigid paving - Requirements and test methods	Feb 01	UAP launched 7 Jun 2001, close 7 Oct 2001. DOW = DAV + 21 months		
57.	33065	AFN	1935	Building hardware- Single-axis hinges -	Mar 01	2 nd FV launched 21 Jun 2001, close		

				Requirements and test methods M/101		21 Aug 2001. DOW = DAV + 21 months
58.	208006	BSI	682	Elastomeric seals - Materials requirements for seals used in pipes and fittings carrying gas and hydrocarbon fluids	Feb 01	FV launched 02 Aug 2001. Close 02 Oct 2001. DOW = DAV + 21 months
59.	208011	BSI	681-1 :1996/A2	Elastomeric seals - Materials requirements for pipe joint seals used in water and drainage applications - Vulcanized rubber	Mar 01	UAP launched 30 Aug 2001 Close 30 Dec 2001
60.	208012	BSI	681-2 :2000/A1	Elastomeric seals - Materials requirements for pipe joint seals used in water and drainage applications - Part 2: Thermoplastic elastomers	Mar 01	UAP launched 30 Aug 2001 Close 30 Dec 2001
61.	208013	BSI	681-3 :2000/A1	Elastomeric seals - Materials requirements for pipe joints seals used in water and drainage applications - Part 3: Cellular materials of vulcanized rubber	Mar 01	UAP launched 30 Aug 2001 Close 30 Dec 2001
62.	208014	BSI	681-4 :2000/A1	Elastomeric seals - Materials requirements for pipe joint seals used in water and drainage applications - Part 4: Cast polyurethane sealing elements	Mar 01	UAP launched 30 Aug 2001 Close 30 Dec 2001
Submitted to the CEN Management Centre for preparation for Formal Vote/UAP						
63.	67073	UNI	12004: 2001/A1	Adhesives for tiles - Definition and specifications	Apr 01	Positive assessment Target date for launch of UAP 06 Sep 2001. (CMC 1 st Priority)
64.	72033	BSI	54-2 :1997/A1	Fire detection and fire alarm systems - Part 2: Control and indicating equipment	Apr 01	Positive assessment Jun 01 FV. Target date for launch of UAP 04 Oct 2001
65.	72035	BSI	54-3 :2001/A1	Fire detection and fire alarm systems - Part 3: Audible fire alarm devices - Sounders	Apr 01	Positive assessment Jun 01 Target date for launch of UAP (4 months) 04 Oct 2001
66.	72042	BSI	54-5 :2000/A1	Fire detection and fire alarm systems - Part 5: Heat detectors - Point detectors	Apr 01	Positive assessment Jun 01 Target date for launch of UAP (4 months) 04 Oct 2001
67.	72043	BSI	54-7 :2000/A1	Fire detection and fire alarm systems - Part 7: Smoke detectors - Point detectors using scattered light, transmitted light or ionization	Apr 01	Positive assessment Jun 01 Target date for launch of UAP (4 months) 04 Oct 2001
68.	154050	BSI	13043	Aggregates for bituminous mixtures and surface treatments for roads, airfields and other trafficked areas	Jul 01	Positive assessment Jul 01 FV (CMC 1 st Priority) Target date for launch of Formal vote is 25 October 2001
69.	50015	BSI	40-5 :2000/A1	Lighting columns - Part 5: Specification for steel lighting columns M/111	Nov 00	Positive assessment UAP DOW = DAV + 21 months
70.	50016	BSI	40-6 :2000/A1	Lighting columns - Part 6: Specification for aluminium lighting columns M/111	Nov 00	Positive assessment UAP. DOW = DAV + 21 months
71.	191095	BSI	12259-5	Sprinkler and waterspray systems – Water flow detectors	Feb 01	Positive assessment but waiting info from TC secretary. FV DOW = DAV + 21 months
72.	303018	DIN	13813	Screed materials and floor screeds - Screed materials - Properties and requirements	May 01	Positive assessment May 01 Added following DIN mtg May 01 TC asks to stop progress - overlap problem
73.	154002	BSI	13139	Aggregates for mortar	Jul 01	Positive assessment Jul 01 FV (CMC 1 st Priority)
74.	178001	BSI	1338	Concrete paving blocks - Requirements and test methods	May 01	Positive assessment (new draft received after negative assessment Jun 01). UAP. DOW = DAV + 21 months
75.	178002	BSI	1339	Concrete paving flags - Requirements and test methods	May 01	Positive assessment (new draft received after negative assessment Jun 01). UAP. DOW = DAV + 21 months

76.	178003	BSI	1340	Concrete kerb units - Requirements and test methods	May 01	Positive assessment (new draft received after negative assessment Jun 01). UAP. DOW = DAV + 21 months
77.	246024	UNI	1469	Natural stone products - Finished products, slabs for cladding - Specifications	May 01 Jul 01	Positive assessment (new draft received after negative assessment) (CMC 1 st Priority)
78.	154003	BSI	13055-1	Lightweight aggregates - Part 1: Lightweight aggregates for concrete and mortar	Jul 01	Positive assessment FV (CMC 1 st Priority)
79.	154052	BSI	13383-1	Armourstone - Part 1: Specification	Jul 01	Positive assessment FV (CMC 1 st Priority)
80.	130016	UNI	442-1 :1995/A1	Radiators and convectors - Part 1: Technical specifications and requirements	Jul 01	Positive assessment. UAP. Added following TF visit to UNI Apr 01
81.	191037	BSI	12101-2	Smoke and heat control systems – Specification for Natural smoke and heat exhaust ventilators M/109	Jun 00	Negative assessment - awaiting revised text from TC DOW = DAV + 21 months
82.	254041	BSI	13707	Flexible sheets for waterproofing - Reinforced bitumen sheets for roof waterproofing - Definitions and characteristics	Jun 01	Negative assessment Nov 2000 FV
83.	177002	DIN	1520	Prefabricated components of lightweight concrete with open structure M/100	Nov 00	Negative assessment Dec 2000 - new draft expected Jul 2001 DOW = DAV + 21 months
84.	166011	UNI	1857	Chimneys - Clay/Ceramic Flue Terminals - Requirements and test methods	Mar 01	Negative assessment. BT6/2001 imposed stage 49 deadline of 30 Jun 2001
85.	166013	UNI	1858	Chimneys - Components - Concrete flue blocks	Mar 01	Negative assessment. BT6/2001 imposed stage 49 deadline of 30 Jun 2001
86.	166009	UNI	13502	Chimneys - Clay/Ceramic Flue Terminals - Requirements and test methods	Apr 01	Negative assessment (CMC 1 st Priority)
87.	72034	BSI	54-4 :1997/A1	Fire detection and fire alarm systems - Part 4: Power supplies	Apr 01	Negative assessment Jun 01 FV
88.	165125	DIN	13564-1	Anti-flooding devices for buildings - Part 1: Requirements	May 01	Negative assessment Jul 01 Added following DIN mtg May 01
89.	165004	DIN	1433	Drainage channels for vehicular and pedestrian areas - Classification, design and testing requirements, marking and quality control (M118)	May 01 Sep 01	Negative assessment Jul 01
90.	191064	BSI	12094-2	Fixed firefighting systems - Components for gas extinguishing systems - Part 2: Requirements and test methods for non-electrical automatic control and delay devices (M/109)	Jun 01	Negative assessment Jun 01
91.	191074	BSI	12094-9	Fixed firefighting systems - Components for gas extinguishing systems - Part 9: Requirements and test methods for special fire detectors (M/109)	Jun 01	Negative assessment Jun 01
92.	163041	UNI	13407	Wall-hung urinals - Functional requirements and test methods	Jun 01	Negative assessment Jul 01 Added following TF visit to UNI Apr 01
93.	163039	UNI	13310	Kitchen sinks - Functional requirements and test methods	Jun 01	Negative assessment Jul 01 Approved by TC April 2001 - to CMC by end Jun for FV
94.	166037	UNI	1457: 1999/A1	Chimneys - Clay/Ceramic Flue Liners - Requirements and test methods	May 01	Negative assessment Jun 01 Added following TF visit to UNI Apr 01
95.	EC0290 01	DIN	10224	Steel tubes and steel fittings for the conveyance of aqueous liquids including water for human consumption - Technical delivery conditions	Jun 01	Negative assessment Added following mtg at BSI (BSI holds SC2 secretariat)
96.	104137	DIN	934-3	Admixtures for concrete, mortar and grout - Part 3: Admixtures for masonry mortar - Definitions, requirements and conformity	Jul 01	Negative Assessment Added following DIN mtg May 01

97.	229040	AFN	1168-1	Precast concrete products - Hollow core slabs for floors - Part 1: Prestressed slabs M/100	Aug 00	Waiting assessment Treatment: FV Delayed - awaiting Eurocode 2 DOW = DAV + 21 months To be combined with 229041?
98.	72036	BSI	54-10/A1	Fire detection and fire alarm systems - Part 10: Flame detectors	Apr 01	Waiting assessment (not sent to Consultant). UAP (4 months). Delayed until EN 54-10 (voluntary) is available
99.	72037	BSI	54-11/A1	Fire detection and fire alarm systems - Part 11: Manual call points	Apr 01 Aug 01	Waiting assessment (not sent to Consultant). UAP (4 months). Delayed until EN 54-10 (voluntary) is available
100.	246022	UNI	12057	Natural stone products - Finished products, modular tiles - Specifications	May 01 Jul 01	Waiting assessment (new draft received after negative assessment) (CMC 1 st Priority)
101.	246028	UNI	12058	Natural stone products - Finished products, slabs for floors and stairs - Specifications	May 01 Jul 01	Waiting assessment (new draft received after negative assessment) (CMC 1 st Priority)
102.	104xxx	DIN	523	Steel strip sheaths for prestressing tendons - Terminology, requirements, quality control	May 01	Waiting assessment (stage 49 draft rejected by CMC) Added following DIN mtg May 01 -
103.	67069	UNI	ISO 13006	Ceramic tiles - Definitions, classification, characteristics and marking	May 01	Waiting assessment (CMC 1 st Priority)
104.	72021	BSI	54-12	Fire detection and fire alarm systems - Part 12: Optical beam smoke detectors	Jul 01	Waiting assessment
105.	163016	UNI	12764	Sanitary appliances - Specification for whirlpool baths M/110	Oct 00	Waiting assessment (new draft received after negative assess. Nov 2000) DOW = DAV + 21 months
106.	125080	BSI	771-1	Specification for masonry units -Part 1 - Clay masonry units.	Jul 01	Waiting Assessment DOW = DAV + 21 months
107.	125081	BSI	771-2	Specification for masonry units- Part 2 - Calcium silicate masonry units. DOW = DAV + 21 months	Jul 01	Waiting Assessment DOW = DAV + 21 months
108.	125082	BSI	771-3	Specification for masonry units Part 3 - Aggregate concrete masonry units.	Jul 01	Waiting Assessment DOW = DAV + 21 months
109.	125083	BSI	771-4	Specification for masonry units Part 4 - Autoclaved aerated concrete masonry units.	Jul 01	Waiting Assessment DOW = DAV + 21 months
110.	125084	BSI	771-5	Specification for masonry units Part 5 - Manufactured stone masonry units.	Jul 01	Waiting Assessment DOW = DAV + 21 months
111.	125088	BSI	998-1	Specification for mortar for masonry Part 1- Rendering and plastering mortar with inorganic binding agents.	Jul 01	Waiting Assessment DOW = DAV + 21 months
112.	125089	BSI	998-2	Specification for mortar for masonry Part 2 - Masonry mortar	Jul 01	Waiting Assessment DOW = DAV + 21 months
113.	125085	BSI	845-1	Specification for ancillary components for masonry Part 1- ties, tension straps hangers and brackets	Jul 01	Waiting Assessment DOW = DAV + 21 months
114.	125086	BSI	845-2	Specification for ancillary components for masonry Part 2- Lintels	Jul 01	Waiting Assessment DOW = DAV + 21 months
115.	125087	BSI	845-3	Specification for ancillary components for masonry Part 3- Bed joint reinforcement	Jul 01	Waiting Assessment DOW = DAV + 21 months
116.	166015	UNI	12446	Chimneys - Components - Concrete outer wall elements	May 01	Waiting Assessment (resubmitted after negative assess. Jun 01) BT6/2001: draft to reach stage 49 by 30 Jun 2001 or will be deleted (CMC 1 st Priority)
117.	33261	AFN	1154 :1996/A1	Building hardware - Controlled door closing devices-Requirements and test methods M/101	Nov 00 Aug 01	Waiting assessment Revised drafts received 23 Aug 2001. DOW = DAV + 21 months
118.	33268	AFN	1155	Building hardware -Electrically powered hold-open	Nov 00	Waiting assessment Revised

			:1997/A1	devices for swing doors - Requirements and test methods M/101	Aug 01	drafts received 23 Aug 2001. DOW = DAV + 21 months
119.	33269	AFN	1158 :1997/A1	Building hardware - Door coordinator devices- Req. and test methods M/101	Nov 00 Aug 01	Waiting assessment Revised drafts received 23 Aug 2001. DOW = DAV + 21 months
120.	128076	IBN	12951 rev	Prefabricated accessories for roofing - Permanently fixed roof ladders (M/122)	23 Aug 2001	Waiting assessment Added following IBN mtg May 01 UAP 4 months (WI 57 merged with WI 76)

The following draft standards are expected to be ready for the approval process (FV/UAP) in the near future. This list may change.

Drafts in development in CEN Technical Committees						
	WI	NSB	EN	Title (Mandate number)	Stage 49 targets	Note
						FV = Formal vote UAP = Unique Acceptance Procedure
121.	191099	BSI	12259-9	Sprinkler and waterspray systems – deluge valves		Draft to TC for approval in May - for forwarding to CMC by end of Jun (CMC 1 st Priority). DOW = DAV + 21 months
122.	191100	BSI	12259-10	Sprinkler and waterspray systems – Multiple controls		Draft to TC for approval in May - for forwarding to CMC by end of Jun (CMC 1 st Priority). DOW = DAV + 21 months
123.	51049	IBN	413-1	Masonry cement - Part 1: Specification		Enquiry launched Feb 2001 DOW = DAV + 21 months FV expected 2002

	WI	NSB	EN	Title	Stage 49 targets	Note
124.	226086	AFN	12676-1	Anti-glare systems for roads - Part 1: Performance and characteristics		
125.	226075	AFN	1423	Road marking materials - Drop on materials - Glass beads, antiskid aggregates and mixtures of the two		
126.	226076	AFN	1463-1	Road marking materials - Retroreflecting road studs - Part 1: Initial performance requirements		
127.	229041	AFN	1168-2	Precast concrete products - Hollow core slabs for floors - Part 2: Reinforced slabs		To be combined with 229040?
128.	229045	AFN	12843	Precast concrete masts and poles		
129.	229054	AFN	13748-1	Terrazzo tiles - Part 1 Terrazzo tiles for interior use		
130.	033111	AFN	13633	Building hardware - Electrically controlled panic exit systems - Requirements and test methods (M/101)		Added following TF visit to AFNOR Jun 2001
131.	033143	AFN	13561	External blinds - Performance requirements including safety (M/101)		Added following TF visit to AFNOR Jun 2001
132.	033234	AFN	13659	Shutters - Requirements and classification (M/101)		Added following TF visit to AFNOR Jun 2001
133.	033244	AFN	13637	Building hardware - Electrically controlled emergency exit systems - Requirements and test methods (M/101)		Added following TF visit to AFNOR Jun 2001
134.	033256	AFN	13241	Industrial, commercial, garage doors and gates - Product standard (M/101)		Added following TF visit to AFNOR Jun 2001. May be split.
135.	033238	AFN	13830	Curtain walling - Specifications (M/108)		Added following TF visit to AFNOR Jun 2001.
136.	134085	BSI	14041	Resilient and textile and laminate floor coverings - Health, safety and energy-saving requirements		FV
137.	154051	BSI	13242	Aggregates for unbound and hydraulically bound		Added following TF visit to AFNOR

	WI	NSB	EN	Title	Stage 49 targets	Note
				materials for use in civil engineering work and road construction		Jun 2001 (SC4)
138.	154053	BSI	13450	Aggregates for railway ballast		Added following TF visit to AFNOR Jun 2001 (SC4)
139.	154057	BSI	12620	Aggregates for concrete		Added in July 2001 (A Hall)
140.	191102	BSI	12259-12	Fixed firefighting systems - Components for sprinkler and water spray systems - Pumps		FV (CMC 1 st Priority)
141.	254031	BSI	13956	Flexible sheets for waterproofing - Plastic and rubber sheets for roof waterproofing - Definitions and characteristics		
142.	254053	BSI	13967	Flexible sheets for waterproofing - Plastic and rubber damp proof membranes - Definitions and characteristics		FV
143.	254055	BSI	13984	Flexible sheets for waterproofing - Plastic and rubber vapour control layers - Definitions and characteristics		FV
144.	254056	BSI	13968	Flexible sheets for waterproofing - Geomembranes - Definitions and characteristics		FV Overlap issue with TC189.
145.	254058	BSI	13969	Flexible sheets for waterproofing - Bitumen damp proof membranes - Definitions and characteristics		FV
146.	254059	BSI	13970	Flexible sheets for waterproofing - Bitumen water vapour control layers - Definitions and characteristics		FV
147.	254086	BSI	13859-1	Flexible sheets for waterproofing - Definitions and characteristics of underlays - Part 1: Underlays for discontinuous roofing		FV
148.	295005	BSI	12815	Residential cookers fired by solid fuel - Requirements and test methods		UAP. TC sent letter on AoC to CS May 2001
149.	295006	BSI	12809	Residential independent boilers fired by solid fuel - Nominal heat output up to 50 kW - Requirements and test methods		UAP. TC sent letter on AoC to CS May 2001
150.	295007	BSI	13229	Inset appliances including open fires fired by solid fuels - Requirements and test methods		UAP. TC sent letter on AoC to CS May 2001
151.	295008	BSI	13240	Room heaters fired by solid fuel - Requirements and test methods		UAP. TC sent letter on AoC to CS May 2001
152.	46XXX	DIN	prEN 1	Flued oil stoves with vaporizing burners		New work item to be raised for hEN
153.	177001	DIN	12602	Prefabricated reinforced components of autoclaved aerated concrete		Revised target date expected from TC in Sep 01
154.	297005	DIN	13084-5	Free-standing industrial chimneys - Part 5: Materials for brick liners - Product specifications		
155.	303019	DIN	14016-1	Binders for magnesite screeds - Caustic magnesia and magnesium chloride - Part 1: Definitions, requirements		Added following DIN mtg May 01
156.	104043	DIN	1504-2	Products and systems for the protection and repair of concrete structures - Definitions, Requirements, Quality control and evaluation of conformity - Part 2: Surface protection systems		Added following DIN mtg May 01
157.	104045	DIN	1504-4	Products and systems for the protection and repair of concrete structures - Definitions, Requirements, Quality control and evaluation of conformity - Part 4: Structural bonding		Added following DIN mtg May 01
158.	165131	DIN	12380	Ventilation pipework - Air admittance valve system (was submitted to CEN Enquiry as prEN 12380-2)		Added following DIN mtg May 01
159.	165166	DIN	12566-1/A	Small wastewater treatment systems for up to 50 PT - Part 1: Prefabricated septic tanks		Added following DIN mtg May 01 TC sent doc for Enquiry?
160.	165168	DIN	13101	Manhole steps - Requirements, test methods and		Added following DIN mtg May 01

	WI	NSB	EN	Title	Stage 49 targets	Note
				evaluation of conformity		
161.	189032	IBN	13491	Geomembranes and geosynthetic clay liners - Required characteristics for use in tunnels and underground structures		
162.	189033	IBN	13492	Geomembranes and geosynthetic clay liners - Required characteristics for use in the construction of liquid waste disposal sites or transfer stations		
163.	189034	IBN	13361	Geomembranes and geosynthetic clay liners - Required characteristics for use in the construction of reservoirs and dams		
164.	189035	IBN	13362	Geomembranes and geosynthetic clay liners - Required characteristics for use in the construction of canals		
165.	189036	IBN	13493	Geomembranes and geosynthetic clay liners - Required characteristics for use in solid waste storages and waste disposal sites		
166.	249263	IBN	13245	Plastics - Unplasticized poly(vinyl chloride) (PVC-U) profiles for building applications - Designation and basis for specification (M/121)		Added following IBN mtg May 01
167.	277001	IBN	13964	Suspended ceilings - Requirements and test methods (M/121)		Added following IBN mtg May 01
168.	166xxx	UNI	1856-1	Chimneys - Requirements for metal chimneys - Part 1: System chimney products		Voluntary standard subject of appeal - so delay to revision which would be hEN
169.	166021	UNI	1856-2	Chimneys - Requirements for metal chimneys - Part 2: Metal liners and connecting flue pipes		Delayed by appeal to Part 1
170.	167002	UNI	1337-3	Structural bearings - Part 3 : Elastomeric bearings		
171.	167004	UNI	1337-4	Structural bearings - Part 4: Roller bearings		
172.	167005	UNI	1337-5	Structural bearings - Part 5: Pot bearings		BT6/2001: draft to reach stage 49 by 31 Oct 2001 or will be deleted
173.	167006	UNI	1337-6	Structural bearings - Part 6: Rocker bearings		