



MINUTES
63rd meeting of the Standing Committee on Construction
(Council Directive 89/106/EEC, Art. 19)
Brussels, 4-5 April 2006

Chair: Mr Klein (Enterprise and Industry Directorate-General)

Participants: see attached list

1. OPENING OF THE MEETING

1. The chair welcomed all participants.

2. ADOPTION OF THE AGENDA (CONSTRUCT 06/733)

2. The chairman announced changes to the agenda to accommodate requests submitted by delegations and the presentation by the Commission of the document CONSTRUCT 06/750 concerning national systems for the acceptance of CPDW. It was also announced that the amendment of M113 would be included in the agenda of the next SCC, as will issues pending from PG meetings.
3. The revised agenda was adopted.

3. ADOPTION OF THE MINUTES OF THE 62ND SCC MEETING (CONSTRUCT 05/731)

4. The chair confirmed that comments received in writing from FR, SE and PL would be included in a revised version.
5. FR requested the correction of point 30 to reflect more accurately the position expressed by the delegation. In relation to point 39. DE considered that there is need to revise GP M, while FI suggested the creation of a SCC subgroup on structural products and requested a solution to the question of the obligatory character of ETAGs.

4. COMMISSION INFORMATION ON MEASURES ADOPTED ACCORDING TO ART. 20 OF COUNCIL DIRECTIVE 89/106/EEC (ORAL)

6. The chair informed the SCC of the progress and adoption of Commission decisions previously voted on by the SCC. These are:
 - **Decision 2005/823/EC** (amendment of the classification system for the external fire performance of roofs and roof coverings),
 - **Decision 2006/190/EC** (AoC procedures as regards floorings),
 - **Decision 2006/213/EC** (classes of reaction-to-fire performance for certain wood flooring and solid wood panelling and cladding).

5. REPORTS FOR INFORMATION (CONSTRUCT 06/734, 06/735, 06/736 AND 06/737)

7. FR, supported by EBC, stressed the problems experienced by SMEs in applying EN 14351 and asked for the timetable foreseen for its finalisation / implementation. The Chairman considered that a 33-month co-existence period would be appropriate. The revision of the standard is foreseen for October 2006.
8. UK observed the small number of hENs approved since the 62nd SCC and recalled the necessary amendment of mandates on glass products, chimneys (to include soot fire resistance) and the pending test method for air transfer grilles / reactive dampers. The Chairman replied that fire-related issues would be dealt in the June meeting of the EGF in order to present proposals to the PG and then to the SCC meetings.
9. Referring to a question from NL to re-examine the timetable for the implementation of EN 8452 (calculation method by NB), the Chairman stressed that manufacturers can use any appropriate NB in the EU and that such examination is not currently necessary.
10. The EOTA and the GNB progress reports did not trigger questions or comments from the delegations.
11. Concerning the Eurocodes progress report, NL stressed that the necessary background documents for trainers are still missing. The Chairman undertook to contact CEN/TC 250 and the DG JRC in order to speed up the delivery of these documents.

6. REPORTS AND FEEDBACK REGARDING THE COMMISSION EXPERT GROUPS (CONSTRUCT 06/738)

12. Regarding a question from FR, the Chairman clarified that the details of the EAS are expected to be determined by a Commission decision, to be submitted to the Standing Committee 89/106/EEC and the Standing Committee of the DWD for their opinion.
13. Regarding additional research on dangerous substances, the Chairman informed that a modest amount could be foreseen from the budget of DG ENTR. He invited Member States who have not yet provided information on their national legislation on dangerous substances to do so as soon as possible.

7.1 ARTICLE 5.1 PROCEDURES FOR EN 494:2004

14. FR presented a summary of their national legislative requirements and the reasons justifying their request to withdraw the standard, specifically because the performance for “hard body impact” is not included.
15. The BE, CZ, DE, IR, NL, PT, PL and UK delegations expressed their support for the FR request on the grounds that this characteristic, although in the mandate, was not included in the standard. However, most delegations proposed not withdrawing the EN from the list of harmonised ENs, but rather to ask CEN/TC to revise the standard quickly.
16. CEN replied that the standard could be modified very quickly and sent for formal vote. The Chairman stressed that a CEN TC may not neglect ess. characteristics included in the mandate, and that the revised EN must be available very quickly, otherwise the EN would have to be withdrawn.
17. CEN undertook to make the revised EN 484 available for the next SCC meeting (November 2006). If this is achieved there would probably be no need to amend the co-existence period. FR is expected to inform TC 128 on its regulatory requirements.

7.2 ARTICLE 5.1 PROCEDURES FOR EN 10080 (CONSTRUCT 06/732 Rev. 1)

18. The Chairman reminded participants of the situation and proposed the withdrawal of the reference of this EN from the OJEU list, and to amend the mandate M115 in order to obtain an amended EN, which will immediately be re-cited in the OJEU.
19. Several delegations (UK, FI, BE, CEPMC) mentioned the hard work necessary to arrive at the present stage and preferred not withdrawing the reference of this standard from the OJEU but rather extending the co-existence period. IT agreed with the non-withdrawal of the EN but stressed that the characteristic “tensile strength (Rm_k)” must be inserted in the EN 10080 together with “high temperature behaviour” required by Eurocodes. ES and DE proposed delaying CE marking on the basis of the standard. ES stressed further that all technical classes must be clearly included, and that transparency, competition and free access of NB to CONCERT must be assured. AT mentioned a problem encountered with the technical classes in the EN.
20. CEN MC stressed the importance of the standard for the sector and asked that the reference of the standard not be withdrawn, but rather postponed until the beginning of the co-existence period. The relevant TC would then proceed with the necessary amendment which could be published in middle 2007.
21. The Chairman presented the options available for action. DE and LV preferred a withdrawal, while UK, SN, SK, LU, MT, AT, PL, ES, IR, CY, LT, BE, DE, SE and EL preferred maintaining the citation of the standard in the OJEU. After the discussion that followed, the Chairman announced that the Commission would examine further (taking into account progress in CEN) which solution would be more appropriate.

8. DRAFT COMMISSION DECISION AMENDING DECISION 2000/147/EC AS REGARDS THE CLASSIFICATION OF THE REACTION TO FIRE PERFORMANCE OF ELECTRIC CABLES (CONSTRUCT 06/739)

22. The Chairman clarified certain points of the proposal. He stressed that the decision will not oblige Member States to regulate on the fire performance of cables and that TBT comments did not justify modification of the Commission’s proposal.
23. UK was not in favour of the proposal because in their opinion it would create new barriers to trade. Some delegations asked for clarifications concerning the adoption procedure (PT), the use of the acidity criterion (NL) and the use of the additional classification and the NPD option (PL, MT). FI requested clarification on the mounting and fixing conditions. Most other delegations supported the Commission’s proposal.
24. The necessary clarifications were provided by the Chairman who then proposed to introduce in Table 4 of the draft an additional footnote explaining that acidity is included as a criterion to detect incapacitating gases and not used to describe their toxicity.
25. The SCC then expressed a positive opinion on the proposal by qualified majority (251 votes in favour, 70 abstention votes from AT, SN, SP and UK).

9. DRAFT COMMISSION DECISION ESTABLISHING CLASSES OF REACTION TO FIRE PERFORMANCE FOR CERTAIN CONSTRUCTION PRODUCTS (GYPSUM PLASTERBOARDS) (CONSTRUCT 06/740)

26. The Chairman introduced the draft decision. FR raised a question concerning the way the product should be mounted on the substrate. NL, FI asked for certain further clarifications, while BE questioned the maximum gap allowed for Method 3.
27. After discussing these issues, the SCC expressed a positive opinion on the proposal by unanimity.

10. EXTENSION OF CO-EXISTENCE PERIODS (CONSTRUCT 06/741 - REV. 2)

- 28. An additional proposal was tabled at the meeting by CEN MC for 4 other standards.
- 29. NL proposed to publish the revised tables on CIRCA. UK and AT agreed with the Commission's proposal and recalled the need to add as soon as possible the characteristic "soot fire resistance" in the chimneys standard. DA proposed that a way be found (revision of Guidance Paper J) to avoid these lists in the future.
- 30. In the absence of objections, the Chairman concluded that the SCC agreed with the extension of the co-existence periods as proposed in the Commission and the CEN MC paper.

11. AMENDMENT OF MANDATE M115 ON REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (CONSTRUCT 06/742)

- 31. Several Member States (UK, FI, PT, IT, ES) considered the differentiation of 'seismic and non-seismic areas' to be unnecessary. FI proposed including 'performance at elevated temperature' necessary for fire resistance calculations according to Eurocodes and agreed to include "tensile strength" required by IT. PT and ES consider that this characteristic can be derived from others included in the EN. IT considered that this is not possible and maintained its request to add the characteristic. Many delegations (SE, SN, PT, LV, EE, HU, IT, NO, UK) supported the FI proposal.
- 32. The Chairman concluded that the draft mandate would be revised and sent to delegations for written consultation. He asked IT to provide precise technical information enabling the Commission to revise the mandate.

12. NEW MANDATE TO EOTA FOR AN ETAG ON INVERTED ROOF KITS (CONSTRUCT 06/743)

- 33. EBC stressed that such a mandate would be against the interest of SMEs and that these "kits" are not actually in the market. EOTA recalled that there is no intention to approve installers. CEPMC, FI supported the view of EBC and suggested covering any demands via Art. 9.2 (without ETAG). PL, UK, NL, HU support the mandate. FI had many remarks to make concerning Annex 2.
- 34. Invited by the Chairman, the majority of delegations agreed to support the mandate, FI opposed and EE, ES, SK, CZ abstained.
- 35. The Chairman concluded that the SCC favoured the issue of the mandate. The scope and Annex 2 should be further clarified. He invited FI to send comments in writing on the revision of the draft.

13. INFORMATION ON PREVIOUS CONSULTATIONS REGARDING DRAFT EUROPEAN TECHNICAL APPROVAL GUIDELINES (ORAL)

- 36. The Commission informed the delegations that the SCC had been consulted (as was agreed in the 62nd SCC meeting, point 77 of minutes) on ETAG 18 Part 2 and Part 3, ETAG 20 Annex C, ETAG 22 Part 1, ETAG 22 Part 1 and Annexes, ETAG 23, ETAG 24 and ETAG 25. The comments received had been examined and sent to EOTA for the necessary amendments. The Commission had also received the finalised ETAG 18 Part 3 and the endorsement letter has been sent to delegations.

14. CONSULTATION ON EOTA PROGRESS FILES: AMENDMENT OF ALREADY ENDORSED GUIDELINES (CONSTRUCT 06/744)

- 37. The Chairman invited the delegations to send their comments by no later than 16 May 2006.

38. FR requested information on the EOTA Framework Agreement and stressed that EOTA needs adequate financial support. The Chairman clarified that ETAGs have been previously subsidised to very high percentage, but that future support will be 25% of the total budget (comparable to CEN).
39. UK stressed that EOTA should not be compared to CEN, that CUAPs are not funded, and that Member States finance their Approval Bodies.
40. The Chairman clarified that in absolute terms the Commission's contribution for each ETAG will remain unchanged.

15. INFORMATION ON POTENTIAL FUTURE REQUEST(S) TO AMEND ALREADY ISSUED MANDATES (CONSTRUCT 06/745)

41. After a short introduction by the Chairman, UK asked about the impact on CEN and EOTA work and about the effect on industry and stated that there was a risk of seriously impeding the implementation of the CPD.
42. DE considered that their regulation may affect only a small number of mandates. The national bodies had been duly notified under 98/34/EC. NL and UK recalled that a number of discouraging cases continue to appear and that the 98/34/EC directive cannot oblige Member States to withdraw their regulations.
43. The Chairman considered that realistic solutions need to be found. Certain mandate amendments could be feasible but Member States must also show good will and approximate their regulations to correctly implement the new hENs. The Commission intends to start infringement procedures.

16. INFORMATION ON DEALING WITH THE FORMALDEHYDE ISSUE IN ALREADY AVAILABLE EUROPEAN TECHNICAL SPECIFICATIONS (CONSTRUCT 06/746)

44. The Chairman referred to the actions undertaken by the Commission to deal with the issue.
45. FI, FR, UK, NL, PT presented their opinions on the various aspects of how to deal with dangerous substances in regulations and in the hENs. DE disagreed with the proposed limit values and the classification procedure followed by CEN/TCs.
46. The Chairman clarified the approach followed by the Commission services to achieve an Internal Market incorporating the dangerous substances issues in the hENs. The proposed footnote seems to be the best solution. CEN considers that the interim solution followed today in the hENs is sufficiently clear, but if necessary the hEN could be quickly revised.
47. For AT the main question was how fast the hEN can be amended, while FR stressed that a solution must be found quickly for the benefit of the industry. CEPMC stressed the difficulties in developing new European test methods even on the basis of existing national ones.
48. The Chairman reminded the SCC that there is still data from many MS missing for the database on dangerous substances. Therefore, Member States are requested to at least provide the contact details of their competent authorities on dangerous substances to be added to the database.

17. REVISION OF GP A (NEW ANNEX DEALING WITH BODIES PERFORMING CALCULATIONS) (CONSTRUCT 06/747))

49. The Chairman introduced the proposal. AT asked for clarifications and asked if the future NANDO input system has foreseen the situation. The Chairman clarified that "entity" in Option 1 stands for "notified body" and this will need to be amended in the proposal.
50. The UK preferred the previous version and proposed keeping a simple procedure. IT, supported by LT, considers GP as not binding and therefore that national views can be followed. The GNB considers that Option 1 is already covered by CPD Annex 4, AoC decisions, hENs or ETAs. In their view it will be impossible to arrive at common provisions on the qualification of personnel. SE agreed with UK and stressed that Option 1, A(2.i) should refer to "technical specifications" and suggested replacing "calculation body" by "notified body performing calculation". ES and DE stressed that the importance of structural components cannot be overlooked and therefore the qualification of the personnel is important. MT proposed to take into account document SOGS 529.
51. The Chairman proposed the insertion of a footnote in page 1, clause 5.2 (personnel). NL feared that this could lead to the rejection of products by MS with different requirements on personnel qualifications for the NB. The Chairman stressed that this would not be acceptable.
52. The document modified as above was then accepted by the SCC, with the exception of UK (opposition) and FI (abstention).

18. TREATMENT OF CUMULATIVE ATTESTATION OF CONFORMITY SYSTEMS (CONSTRUCT 05/729)

53. Mr. Winnepenninckx (GNB) introduced the paper and recalled that a serious problem arises from the fact that the certification bodies interpret their tasks differently while performing certification tasks. He also recalled that GP K considers certification to be an "umbrella" activity covering all aspects of product (or of FPC) performance.
54. NORMAPME stressed that the least onerous solution for manufacturers should be found. The NB should also take into account the manufacturers' opinion and not use their position to increase their income. "Deemed to satisfy" solutions in the technical specifications could be suitable.
55. Written comments were received from DK, Pl and SK. DE, DK, FI and FR suggested that the Commission request the opinion of the legal service. DE stressed that the CPD does not allow for the concept of cumulative AoC systems. SK considered that the activity of the certification body should not be an "umbrella" activity. UK asked the GNB to make a new but concrete and practical proposal for the least onerous solution.
56. FR asked how these questions are tackled in the other New Approach Directives. FR, DE, PT consider that the solution must be found at SCC level and that the issue should not be sent back to the GNB. DE stressed the importance of "deemed to satisfy" solutions in the technical specifications leading to a reduced need for testing.
57. The chair thanked Mr. Winnepenninckx for the paper and concluded that the COM will re-examine the issue in order to prepare further proposals.

19. EXCHANGE OF VIEWS ON ISSUES OF COMMON INTEREST, AND INFORMATION

19.1 CONSTRUCTION PRODUCTS IN CONTACT WITH DRINKING WATER (CONSTRUCT 06/750)

58. The chair stressed that an inventory of the relevant existing national regulations of the MS needs to be established. He answered question posed by certain MS and explained why such

an inventory is necessary. He then asked the delegations to provide the necessary information to the Commission using the annex of the document.

19.2 AOC OF STRUCTURAL COMPONENTS

59. DE explained that according to German provisions, the load bearing capacity of certain important structural components (now under AoC system 2+) needs to be verified by a 3rd party. This is not currently foreseen under AoC system 2+ and would need a slight amendment of certain existing AoC decisions requiring the certification body to carry out the check.
60. UK, FI, SE and NORMAPME expressed doubts on the real need to amend the relevant AoC decisions. FR proposed to examine a change of the AoC into 1 if necessary.
61. The Commission undertook to examine the issue with a view to prepare, if necessary, a proposal.

19.3 USE OF ARTICLE 8 OF THE CPD

62. DE informed the SCC that manufacturers complain about time-consuming and overly-complex routes followed to enable the preparation of ETAs. DE proposed to speed up the decision process for ETAs, to allow ETAs when a hEN is not possible in the foreseeable future and not to ask for confidential product details.
63. The chair informed the SCC that various details of the decision process had been clarified to EOTA in October 2005, resulting in better EOTA handling of the requests received. UK expressed its support to the Commission and considered approval bodies as able to handle properly confidential product aspects, protecting the interests of the manufacturer.

19.4 INFORMATION ON THE REVISION OF THE CPD

64. The chair informed the SCC on the progress of the Study on the Internal Market and Competitiveness Effects of the CPD and on the 4 regional meetings (Paris, Copenhagen, Vienna and Bonn) foreseen in order to get more information directly from manufacturers. He also mentioned the internet consultation of stakeholders open till 31/5/06 (later extended to 15/6/31). An Impact Assessment study is expected to be prepared, to take into account the options available for the CPD revision. The proposal is expected to be adopted by the Commission not later than the end of 2007. The Commission intends to adopt a first proposal for the revision of the New Approach towards the end of 2006.

20. OBSERVATIONS REGARDING REPORTS TABLED UNDER ITEM 5

65. CEN stressed their concern about the delays to standardization work related to the CPD. UK supported FI and repeated the request mentioned in point 8 above. CMC reminded that the contracts of the CEN consultants have not yet been signed and that this could influence the finalisation of hENs. FI asked the Commission to examine whether products in other sectors need to be covered by mandates. CMC mentioned that some needs have been identified concerning ventilation and air-conditioning
66. Concerning the EOTA report, the chair clarified that ETAGs are expected to be elaborated only where there is really a need to do so. FI considers that ETAs must be available to MS authorities. EOTA SG replied that the EOTA website contains a list of all valid ETAs together with additional information. However, making the content of ETAs publicly available requires the approval of the manufacturer.
67. Concerning the GNB report, UK stressed the need to obtain transparency and a level playing field in the designation of NB and to increase the number of persons with access to the GNB

CIRCA. FR asked for information on problems encountered by NB in participating in the GNB work.

21. MEETING PROVISIONS

68. The next meeting of the SCC is expected to take place in autumn 2006, preceded as usual by a PG meeting. Due to the pending approval of the Commission's budget, no specific meeting provisions can be made yet. MS expressed their preference for holding the SCC meeting in November 2006.

22. AOB

69. Commenting on the issue of lift landing doors, FR stressed that AoC levels foreseen under the CPD (system 1) and the Lifts Directive (manufacturer's declaration) are completely different. UK and AT suggested asking EGF advice about the equivalence of test methods foreseen under the two directives and of the two resulting classifications. SE considers that (in line with CPD Art. 2.3) the hEN under the CPD is mandatory for the CE marking and that the Lifts Directive requirements are not covering the construction sector requirements.
70. The chair concluded that the EGF should be consulted and that CE marking in accordance with the Lifts Directive should be sufficient to ensure that CPD requirements are also covered.
71. Concerning sandwich panels, the chair intends to send a letter to the MS asking them to provide information on the existing relevant national requirements.

23. CLOSE

Attendance List of the 63 rd SCC		
Name	Country	Body
Alonso Luis	Spain	Ministerio de Ciencia Y Tecnologia
Andreopoulos Pantelakis	Cyprus	Ministry of the Interior
Andronescu Radu	Romania	Ministry of Transport Construction and Tourism
Arondel Serge	France	MINEFI
Ayca Akin	Turkey	Ministry of Public Works
Bar Pascal		CEPMC
Baratono Pietro	Italy	Ministry Infrastructures and Transport
Berge Olav		EFTA, Statens bygningstekniske etat, Norway
Broeckx Eduardus	Belgium	SPF Economie
Bzovska Katarina	Slovakia	Ministry of Construction and Regional Development
Caluwaerts Paul		EOTA
Camilleri Antony	Malta	Malta Standards Authority
Cuche Joel		CEN consultant
Da Costa Amilcar		CEN
De la Hamette Jean	Luxembourg	Federation des Industries du Luxembourg
De Windt Jules	Belgium	SPF Economie
Doneva Violetka	Bulgaria	Ministry of Regional Development
Encius Robertas	Lithuania	SPSC
Fuzic Lino	Croatia	Ministry of Environmental Protection and Construction
Fernandes Maria Luisa	Portugal	Ministerio da Economia e Inovacao
Guillevic Gildas		CEPMC
Günther Gerhard	Germany	Bundesministerium für Verkehr, Bau u. Wohnungswesen
Horvath Sandor	Hungary	EMI
Iffour Karine		NORMAPME
Jasch Erich	Germany	DIbt
Jerking Ejner	Denmark	Nat. Agency for Enterprise and Construction
Karner Josef	Austria	BMWA
Kindlund Ann Margret	Sweden	Boverket
Kocar Joze	Slovenia	Ministry of Economy
Koklas Gerassimos	Greece	Ministry for Public Works
Korus Marian	Poland	Ministry of Transport and Construction
Kouros Kyriakos	Cyprus	Ministry of the Interior
Lehtinen Teppo	Finland	Ministry of Environment
Martinkova Jarmila	Slovakia	Ministry of Construction and Regional Development
Meskauskiene Edit	Lithuania	Ministry of the Environment
Mikulits Rainer	Austria	OIB
Nawaz Tariq	United Kingdom	ODPM
Neary Sarah	Ireland	Dept. of Envir. & Local Governement
Neval Aksoy	Turkey	Ministry of Public Works
Nilvall Bo	Sweden	Boverket
Pernier Michel	France	Min. Equipement, Transport, Logement
Salazar Julio P.	Spain	Ministerio de Fomento
Schiaroli Sergio	Italy	Ministero Interno
Serra Javier D	Spain	Ministry of Housing
Servos Tassos	Greece	Ministry of Development
Seyfert Hans	Germany	DIbt
Šimková Alena	Czech Republic	Czech Office for Standards
Slama Raphaël	France	Min. Equipement, Transport, Logement
Steinerts Andris	Latvia	Ministry of Economics
Tebbit John		Construction Products Association
Thibault Agnes		EBC
Tomberg Monica	Estonia	Ministry of Economic Affairs
Van den Thillart Caspar	Netherlands	Ministerie VROM
Vasconcelos de Paiva Jose	Portugal	Laboratorio Nacional de Engenharia Civil
Virtanen Matti J.	Finland	Ministry of Environment
Vichová Jitka	Czech Republic	Ministry for Industry and Trade
Wells Roger	United Kingdom	Office of Deputy Prime Minister
Wever Harry	Netherlands	Ministerie VROM
Wierzibicki Stanislaw	Poland	Building Research Institute
Winnepenninckx Eric		Group of Notified Bodies for 89/106/EEC