



EUROPEAN COMMISSION  
ENTERPRISE DIRECTORATE-GENERAL

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

Brussels, 15 April 2005  
ENTR/G-3/MF

**CONSTRUCT 05/699**

**MINUTES**  
**61<sup>st</sup> meeting of the Standing Committee on Construction**  
**(Council Directive 89/106/EEC, Art. 19)**  
**Brussels, 12 April 2005**

**Chair: Mr Klein (Enterprise Directorate-General)**

**Participants: see list attached**

**1. OPENING OF THE MEETING**

1. Mr Klein opened the meeting and welcomed all delegations. He highlighted that the meeting will be extended to the 13<sup>th</sup> April in the premises of the EFTA building. No interpretation can be provided for the second day and no official decisions of the SCC could be taken on the second day.

**2. ADOPTION OF THE AGENDA (CONSTRUCT 05/684)**

2. Additional items for the agenda: state of play on the activities on the database on dangerous substances (included in agenda item 10bis), the role of the Commission's expert groups and SCC working groups (included in agenda item 7); discussion of the substance of a decision regarding the classification on cables (included in agenda item 11); the fire characteristics of facades (included in agenda item 10) including example for guidance paper M (included in agenda item 6 or 17).
3. In the absence of any other comments the agenda was adopted.

**3. ADOPTION OF THE MINUTES OF THE 60<sup>TH</sup> (CONSTRUCT 04/684)**

4. Any written comments will be included. The UK and Italy will provide additional comments very soon after the meeting.
5. The Chair considered the minutes as adopted.

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

6. The Chair declared that since the Commission has not adopted any decision<sup>1</sup>, but assumed that they will be adopted before the summer break. The different language versions of the draft decision on cold storage kits have been uploaded on CIRCA for comments on the translations.

**5. REPORTS FOR INFORMATION (CONSTRUCT 05/685, 05/686, 05/687, & 05/688)**

7. The UK asked if the EOTA mandate for the ultra thin layers has been checked with CEN and what the final result was. The Commission replied that it has sent a letter to CEN, EOTA and the MS to clarify if that this issue is covered by the mandate to CEN and was still waiting for the answer from CEN.

8. The Commission highlighted that future publications of harmonised standards in the EU Official Journal (OJ) will include all published standards in their latest version.

9. Spain asked why not all finalised standards have not yet been published in the OJ. CEN explained that after a period of adapting the systems of its new members, CEN will now be able to send a consolidated list in all languages to the Commission every three months.

10. Denmark stressed the point that the co-existence period should not be shortened because of late publication in the OJ. The Commission replied that only the co-existence period mentioned in the OJ is binding and is adjusted to the publication date in the OJ.

11. The Commission declared that (considering that MS have mentioned this problem on time) it will try to evaluate the substance of the complaint and react accordingly, even denying the publication of the standard in the OJ.

12. Germany suggests that a CE marking should include the date of the publication of the standard (or its amendment) to clarify which characteristics and test methods have been used.

**6. INFORMATION ON THE WORK PROGRAMME 2005 OF THE EUROPEAN COMMISSION CONSTRUCTION UNIT (ORAL)**

13. The Commission informed the SCC on the planned adoption of decisions voted in the SCC, support measures, studies and the ongoing work on the amendment of the Construction Products Directive.

14. Reacting to a suggestion of Poland, the Commission offered to provide a printed version of the work programme when it has been officially accepted for the discussion in the next SCC meeting.

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<sup>1</sup> Draft decision amending decision 2001/671/EC as regards the classification system for the external fire performance of roofs and roof coverings; draft decision establishing the classes of external fire performance of roofs and roof coverings for certain construction products; draft decision establishing the classes of external fire performance of certain construction products (classified without further testing of glulam, laminate floor coverings, resilient floor coverings, textile coverings; draft decision on the procedure for attesting the conformity of construction products pursuant to article 20(2) as regards cold storage building kits and cold storage building envelope kits;

15. The UK stressed the point that the planning for the amendment of the CPD is of outmost interest and more detailed information would be welcome.
16. Germany, France and Malta raised their concern that the SCC will not be directly involved in the amendment of the CPD. The chair clarified that the SCC is responsible for issues of the present directive, but the experience of the MS will be of course taken into consideration.

## **7. EUROPEAN COMMISSION EXPERT GROUPS AND WORKING GROUPS OF THE SCC IN THE FIELD OF CONSTRUCTION PRODUCTS (ORAL)**

17. Latvia highlighted that its nominations have not been taken into account. The chair replied that it seems that the nomination has not reached the construction unit and asked to send the nomination again.
18. Austria asked if MS would be able to nominate also the expert for subgroups that might be established under the present expert groups. This was confirmed by the Commission.
19. The Netherlands expressed their worries that the expert groups will not be transparent enough and the control of the MS on the work of the experts will be limited, in particular when regulatory issues might be discussed. The chair explained that the Commission expects a solid knowledge on national regulations as well as technical expertise. Nevertheless, they are not representing MS authorities with a regulatory mandate.
20. The chair also explained that the expert groups will deal with technical aspects of mandates, decisions and technical documents. Only if these groups are not providing documents or positions that could not be agreed by the SCC, the Standing Committee could create a working groups to deal with specific issues.
21. Some MS argued that the groups should start their work fast; otherwise time for efficient work might be lost. In general, the question arises if not the existing regulatory groups as working groups of the SCC should continue their work.
22. The chair concluded that the Commission will check on the legal status of the former regulators groups and analyse which structure and role future groups should have.
23. With regard to the Eurocodes national correspondents group, the chair explained that the Eurocodes will continue to consider this issue as important and the Commission will continue to chair and organise the meetings of this group. Just a lack of resources has made it necessary to depend on the assistance of CEN for the organisation of the next meeting.
24. Some MS stressed again the need for a preparatory group for the SCC. The chair replied that he is in favour of this meeting and the Commission will check the possibilities to continue the previous system of having a preparatory group meeting a few weeks in advance of a SCC meeting and will inform the SCC as soon as possible.

## **8. AMENDED HARMONISED EUROPEAN STANDARDS AND CO-EXISTENCE PERIOD (CONSTRUCT 05/689)**

25. Answering questions asked by some MS, the chair explained that amendments of harmonised standards have to be taken into account in the national standardisation and regulation. To clarify which version of a standard is valid, CEN proposed coming back to a previous system used for this which provided a list of standards including the list of co-existence period agreed on in the SCC. If a Technical Committee in CEN would consider an extension of the period, it has to be justified and agreed on in the SCC.
26. The Group of Notified Bodies suggested using the system of the EMC directive to include a date to the CE marking.
27. Germany suggested that the co-existence period of both versions of the 771 standard family should be identical. The chair agreed and announced that the Commission will publish in the OJ the reference of the standard of the 2003 version together with the amendment of 2005, both together being relevant for the CE-marking of these products.
28. Denmark asked for extending the co-existence period for standard 845-2 to match the period of the other masonry products. The SCC agreed to the Danish request. However, the issue of calculation has to be clarified as soon as possible.
29. CEN has requested the extension the co-existence period of the standards EN 1168, 13224 & 13225 for another 12 months. The chair concluded that the SCC accepted the proposed extension.
30. Some parties of industry have requested an extension of the co-existence period for another 24 months of EN 12101-2. CEPMC explained that the Eurocode is in place and this should be sufficient. Nevertheless, some additional delay might help to give every MS the possibility to provide their national annex. Finland replied that the national annexes are essential and the standard can only be used in MS that have already provided a national annex. CEN proposed an extension for 12 months which was supported by France. The chair concluded that the co-existence period will be extended by 12 months.
31. The GNB invited MS to the premises of the secretariat to discuss and find solutions on the issue of notifying bodies for ITT.

**9. COMMISSION INFORMATION CONCERNING THE PREPARATION OF A COMMISSION DECISION AS REGARDS THE CLASSIFICATION OF THE REACTION TO FIRE PERFORMANCE OF ELECTRIC CABLES (FIRE-RELATED ITEM) (CONSTRUCT 05/690)**

32. The Chair explained that the Commission was checking the technical background and contacting the Scientific Committee on Health and Environmental Risks (SCHER) as well as consulting the WTO.
33. France and Italy insisted on their right to include their national requirements on acidity in the decision.
34. The Chair concluded that the SCC is strongly in favour of a version that includes the French and Italian requirements. The construction unit will report back to the Commission that the draft decision will be identical with the version presented to the SCC in October 2004. It will be checked within the Commission services if this version will be accepted.

**10. COMMISSION INFORMATION CONCERNING THE EVALUATION OF THE FIRE PERFORMANCE CHARACTERISTICS OF FACADES (FIRE-RELATED ITEM) (CONSTRUCT 05/691)**

35. The UK opposed the Commission's proposal. France, Austria and the Netherlands thought that the proposal might be disproportionate to the practical needs. Sweden supported the existing proposal, in particular keeping in mind that this discussion was going on for about four years. Germany also supported the existing proposal, stressing that the existing test methods are not appropriate.
36. The chair concluded that the SCC was in favour of keeping the draft mandate as it has been tabled in the last SCC meeting. Therefore, the chair declared that the Commission will take all comments into consideration and will provide a version including this comments.

**10BIS.DATABASE ON DANGEROUS SUBSTANCES**

37. Germany highlighted that the database on national regulations on dangerous substances in construction products on the Commission's website is not complete and would create confusion for manufacturers and would not satisfy the safety needs of Germany. The Commission replied that due to changes in the website, some data was not accessible, but the new version of the database (including all new contributions) will be uploaded on the web by the end of May. In the meantime, a note will be added to the website that the data is not complete to avoid that very careless manufacturers might consider the database as complete.

**11. DRAFT DECISION ESTABLISHING THE CLASSES OF EXTERNAL FIRE PERFORMANCE OF CERTAIN CONSTRUCTION PRODUCTS (FIRE-RELATED ITEM) DOUBLE SKIN METAL FACED SANDWICH PANELS FOR ROOFS (CONSTRUCT 05/696)**

38. The Chair asked the SCC if it would accept in anticipation of the Commission decision which will be adopted soon to include the fourth test method in the decision and vote for four methods or if the decision for vote should stay in the present version.
39. France and Italy stated that they would oppose the present version.
40. Following the arguments of many SCC members, the chair concluded that the draft decision is not yet ready for vote and will be put again on the agenda of the next SCC meeting, checking if the prEN referenced in the table has been in the meantime adopted and if the applicant wishes to await the adoption of the amendment of the classification decision by including the fourth test method.

**12. CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS (CEN ITEM) – COMMON CEMENTS (CONSTRUCT 05/693 & 05/694)**

41. The Chair highlighted that the reactions of MS on the proposed amendment of mandate M114 have shown that there is no interest in an amendment. Since about 20 MS have stated their opposition in the meeting, the Commission concluded that there is no majority for a positive and will not issue this mandate to the SCC.

**13. WORKING REGARDING A EUROPEAN ACCEPTANCE SCHEME FOR CONSTRUCTION PRODUCTS IN CONTACT WITH DRINKING WATER (CONSTRUCT 05/692)**

42. Germany asked if the mandate for the EAS will be kept. The chair replied that the mandate will not change for the time being. Germany raised also the issue to check if the work on the EAS is still going in the right direction providing provisions for the assessment of construction products in contact with drinking water. The chair declared that a summary of the scheme will be provided to the SCC in its next meeting for discussion.
43. Answering questions from France the chair replied that the issue of different materials which should be dealt with the input of different experts, will be discussed in the next expert group meeting and the Commission will report to the SCC in the next meeting.

**14. WORK REGARDING EUROCODES (ORAL AND EXCHANGE OF VIEWS)**

44. Finland suggested that the Commission will not only collect the national annexes but also to publish them or at least to make them available for all MS to facilitate the exchange of information. Ireland suggested publishing the national annexes on CIRCA.
45. CEPMC announced that a workshop on the practical use of Eurocodes has been planned for early 2006.
46. Spain stressed the point that the Commission should still officially be in charge of the ECN and that MS should still dominate the group and not external experts from TC 250.

**15. CONSULTATION ON DRAFT EUROPEAN TECHNICAL APPROVAL GUIDELINES (CONSTRUCT 05/695)**

47. The Chair informed the SCC that that by the 13<sup>th</sup> April the ETAGs will be available on CIRCA for comments by stakeholders. For the first group of ETAGs (ETAG 017 and ETAG 020 part 1 & 2) numbers of ETAGs) which have been sending to the members of the SCC with the first invitation (date) the deadline for comments will be the end of April. For the second group of new ETAGs (ETAG 020 part 3, 4 & 5 and ETAG 021 part 2), comments should be provided till the end of May.
48. Finland was not convinced that the ETAG was practical for Nordic countries, while the UK and Italy stressed the importance of proportionality between needs for testing and possible risks.

**16. GUIDANCE PAPER M “CONFORMITY ASSESSMENT” (CONSTRUCT 05/657 REV.1)**

49. Sweden, Finland and the Netherlands considered the paper too detailed. Germany and the UK welcomed the GP and stressed the importance to clarify points (in particular shared ITT) so that also SMEs are able to follow legal and technical requirements. This position was supported by NORMAPME and EBC.



50. The GNB and Portugal warned that shared and cascading ITT should be used carefully to avoid the misuse of test results.
51. Austria suggested that the possibility of sharing test results should not be up to specification writers because this would limit it only to products where the technical specification explicitly allows for sharing ITT.
52. France asked for a more precise definition of products that do not require CE-marking to avoid different national approaches.
53. The UK asked how the principles of the Guidance Paper could be implemented in harmonised standards. The chair replied that as long as no explicit attestation of conformity (AoC) has been mentioned AoC 4 will apply.
54. The chair concluded since it seems not possible that the SCC will come to one common position, the Commission will take all comments that it has received so far including all comments made during this meeting into consideration and finalise GP M and distribute it to the SCC. In particular for the standard on doors and windows the Commission will clarify its position and the GP M should be taken into account.

#### **17. FOR ACTION, WORK AHEAD, EXCHANGE OF VIEWS ON ISSUES OF COMMON INTEREST AND INFORMATION (CONSTRUCT 05/697)**

55. The chair reminded the MS that according to the CPD new MS regulations should be provided in one common format (table of correspondence) to the Commission.
56. The Netherlands described that they had problems identifying the legal basis for the obligatory nature of CE marking and asked the Commission for clarification. The chair presented the Commission's position written in an official letter to the Dutch delegation. In it the Commission explains that based on Commission decision ... the obligation for CE-marking exists.

#### **18. MEETING PROVISIONS**

57. The next meeting of the SCC should take two day and is foreseen between 10<sup>th</sup> and 21<sup>st</sup> October 2005. The 62<sup>nd</sup> SCC meeting will be preceded by a preparatory meeting no less than 5 weeks in advance.

#### ***CLOSE***

58. The chair thanked in particular EFTA for providing a meeting room for the second day of the SCC meeting and all the participants and closed the meeting.