



**EUROPEAN COMMISSION**  
ENTERPRISE DIRECTORATE-GENERAL

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

Brussels, 16 April 2004  
ENTR/G-5/HS

**CONSTRUCT 04/651 rev.1 (3., 5. 13, 16, 29, 30, 36, 51)**

**REPORT**  
**59<sup>th</sup> meeting of Standing Committee 89/106/EEC**  
**“Construction Products”**  
**Brussels, 2 April 2004**

**OPENING OF THE MEETING**

1. Mr Leoz opened the meeting and welcomed all delegations, in particular the new delegates from the new Member States. He had also to announce that two members will leave the SCC: Mr Moreau de Saint-Martin and Mr Bossenmayer. Mr Leoz himself will leave the construction unit (G5) in two weeks to become head of unit of the chemicals unit (E3).

**ADOPTION OF THE AGENDA (03-637 rev.1)**

2. The UK raised concerns that one-day meetings would not allow to tackle all issues properly. It also asked for a timetable for the amendment of the CPD and for more clarification concerning the CPD, the Public Procurement Directive and the General Product Safety Directive (GPSD). The CS replied that in general two-day meetings for the SCC were foreseen, but it has become more and more difficult to arrange meetings for two days with interpreters. In 2005 the amendment of the CPD should be presented to the Council, but due to changes within the unit and also in the Directorate there might be changes in the timetable. The links between the CPD and the GPSD have already been discussed in the SCC.
3. Portugal asked if the SCC could share the information between MS on how the different MS are choosing the AoC level for aggregates. There are two levels in the mandate M125, and MS have to decide on the level by taking the safety of the end use condition in consideration, but it seems that MS are using different levels of AoC for the similar applications. The CS replied that any received information by MS is welcome and will be put on CIRCA. Therefore, the CS was asking all MS to send their information concerning their national decisions to the CS.
4. Finland asked for more information concerning the CS position on the “no additional requirements” paper of the CS. The CS replied that after taking the comments of MS into consideration, the final version of the document should be available on CIRCA after Easter.

5. Germany highlighted that after the publication of harmonised standards in the OJEU in March, the German authorities were not able to use the whole co-existence period (which has started in February 2004). The CS regretted this exceptional situation, but this decision has no consequence on the end co-existence period very limited consequences on its duration. Therefore, it has been exceptionally accepted.
6. In the absence of any other comments the agenda was adopted.

**ADOPTION OF THE MINUTES OF THE 58<sup>TH</sup> (CONSTRUCT 03/635 REV1)**

7. The UK asked to add in point 64 “Germany and the UK”. France and the Netherlands asked for some changes in the minutes. Germany has sent written comments.
8. The CS agreed to include the comments and considered the minutes as adopted.

**DRAFT DECISION FOR AOC FOR WASTE WATER ENGINEERING PRODUCTS (CONSTRUCT 03/620)**

9. The CS representative introduced the point.
10. Sweden did not consider that any change of the AoC was necessary and this change was not agreed in the previous meetings. The UK requested how the testing for fire resistance will be applied in practice. The CS highlighted that the only changes have been done in one specific part of an already positively voted decision, and only these changes are open for discussion. Portugal mentioned that the proposed changes were in coherence with previous decisions.
11. The proposal was voted positively, Sweden voted against it and Italy and Luxembourg were absent.

**AMENDMENT OF MANDATE M128 (CONSTRUCT 04/636)**

12. The CS representative introduced the point.
13. The Portugal delegate informed the SCC that Portugal’s legislation is forbidding the use of co-combustious products. Without trying to stop the progress on a European level, Portugal asked for including its position in the mandate (in the explanatory note). Spain and Sweden mentioned that they have the same problem. Sweden stressed the point that this issue needed more discussion and referred to the WG on regulated substances as one of the bodies where these problems should be tackled and solved. Spain objected to CE marked products with this higher content of fly ash. EOTA highlighted that the present solution is only referring to a CUAP and when additional information is available, this issue will be transferred to CEN.
14. The CS considered the SCC as consulted and asked EOTA to go ahead.

**AMENDMENT OF MANDATE M116 (CONSTRUCT 04/638)**

15. The CS representative introduced the point.
16. The UK was against this amendment, and highlighted that it has presented its reasoning in different letters to the CS and considered the development of the amendment as “not disciplined” and not transparent. The CS highlighted that they have decided to approach the SCC with this amendment only after a general

consensus in an ad-hoc meeting including the MSs, which have requested the change, chairmen and CEN TC 125 representatives and experts (including from the UK) has been achieved. Therefore, the CS could not understand the UK's objection against this amendment.

17. Portugal highlighted that following the amendment there would be a large number of non declared values which would increase the existing feeling of insecurity in Portugal. The CS replied that the performance declarations have only to be included if MS are requesting certain characteristics in their market. Since the CS were assuming that all MS regulations have been taken into consideration in the mandate and the final standard, there should be no ambiguity. Portugal explained that the ER4 (structural uses) is not completely covered by the mandate or the standard (which is consistent with the mandate). The CS replied that it is up to MS to define the structural uses.
18. The CS considered the SCC as consulted. Nevertheless, they would give MS two weeks to present their comments to the CS.

**REQUEST FOR THE COEXISTENCE PERIOD (CONSTRUCT 04/644)**

19. The CS representative introduced the point.
20. Austria was concerned that the extension of the coexistence period will create confusion in particular for existing standards (and products CE marked according to this norm). The CS shared in general the concerns of Austria but stressed the point that CE marking could only fulfil its role if there is enough relevant information in the CE marking available. They also highlighted that for these three proposals regarding the extension of the coexistence period are not changing the approach for already marked products but only expand the scope of the standard to avoid the exclusion of products.
21. The UK asked who could ask for the extension of the coexistence period. The CS replied that the CS assumed that the MS authorities were always ready for implementing the new standards and only manufacturers could raise concerns and could ask directly or via the MS authorities to extend the coexistence period.
22. The CS considered the SCC as consulted and the requests have been accepted.

**RULES OF PROCEDURES OF THE SCC (CONSTRUCT 04/647)**

23. The CS representative introduced the point.
24. The UK stressed the point, that for any efficient consultation process the present timeframe of 20 days should be kept (in particular for documents for vote and procedural documents) and shorter deadlines should only apply for less important documents. Also the other deadlines should be kept to guarantee a proper consultation for MS and industry. This position was supported by France, Finland and Germany.
25. EFTA asked if the CS could confirm that the present cooperation and the position of EFTA would be maintained in the new framework. The CS confirmed that with respect to the EFTA participation, the current practice in relation to the EFTA countries will continue.

26. The CS summarised and accepted keeping the deadline of 20 days. Many other questions were already covered by the general framework of the CPD. The CS decided to give the SCC one month for written comments and to discuss the future procedures again (and to vote for a final version of the procedure) in the next SCC meeting.

**ER3 MANDATE/EXPLANATORY NOTE (ORAL PRESENTATION)**

27. The CS representative explained the present stage of the work on the mandate on ER3. Due to changes in the date for this SCC meeting there was not enough time to include the comments of MS after the PG meeting on time. To speed up the process, the new version of the mandate will be presented to the SCC members in summer and finally presented to the PG in autumn and to the SCC at the end of 2004.

**NOTIFICATION OF NANDO (ORAL PRESENTATION)**

28. The CS representative introduced the point. The CS will not include pre-notifications in the database of NANDO. Previous pre-notifications have been taken out of NANDO, but they are kept in a different database. Answering some questions the CS highlighted that even with pre-notification the MS have to notify again after the relevant standards have been published.
29. Lithuania highlighted that it has notified the CS and got no answer (identification numbers) which would put Lithuania in a difficult situation after the accession in one month. The CS recognised that there have been problems for some new MS while they have still been Candidate Countries, and they were still trying to get some clarification from the horizontal unit for notification in DG Enterprise and the CS will try to give clearer answers and guidance till the end of the meeting.
30. EOTA stressed the point that the new MS have to keep in mind that different notifications are necessary for ETAs.

**AMENDMENT OF GP K (CONSTRUCT 04/646REV.1)**

31. The CS representative introduced the point.
32. Finland highlighted some points could be deleted to make the document shorter and transparent.
33. Sweden did not think that the annex is giving clearer guidance for specification writers and it is not clear if this guidance was for existing or future specifications.
34. The CS asked the SCC members to send their written comments to the CS within three weeks. After the comments have been incorporated the document will be placed on CIRCA.

**AMENDMENT OF GP D (CONSTRUCT 04/645)**

35. The CS representative introduced the point. This document was for written consultation and not for discussion in this SCC meeting.
36. The UK highlighted that point 3.3 paragraph 3 is contradicting the CPD and putting the manufacturers in the EU in a disadvantage. This point has to be changed. The

CS answered is not included in the changes proposed to the SCC. Nevertheless, the CS will examine this request.

37. Finland mentioned that the examples given in the GP were not correct and should be changed. It also asked for clarification for the “end use application” from the CS.
38. The Netherlands asked if the principle of end use conditions would now be included in the CPD. This could go beyond the scope of the directive.
39. The CS asked MS to provide their written comments within one month.

## **EOTA**

### **ETA GUIDELINE ON PREFABRICATED WOOD-BASED LOAD-BEARING STRESSED SKIN PANELS (CONSTRUCT 04/648)**

40. The CS representative introduced the point.
41. Finland could not accept the document due to many open questions and gaps that should be solved before. Germany supported the Finnish position and referred to GP L to deal with references in an ETAG to prENs or EN-Vs.
42. The CS asked the members of the SCC to provide their written comments till the end of April.

### **ETA GUIDELINE ON FIRE PROTECTIVE PRODUCTS PART 1 & 2 (CONSTRUCT 04/649A & 04/649B)**

43. The CS asked the members of the SCC to provide their written comments till the end of April.

## **MISCELLANEOUS REPORTS FOR INFORMATION**

44. Due to a lack of time the reports were not presented and discussed.

## **A.O.B.**

45. The UK presented their concerns about the existing fire testing methods that were not precise enough to be useful in the UK and it would like to include another test method. Since this issue was already discussed within the SCC the UK asked why it has not been presented to the SCC. The CS replied that it was due to a late delivery of all 11 language versions. The next SCC meeting will include ten new MS and there will be additional 21 language versions that have to be included.
46. The CS introduced the next point. The amendment of the ETAG showed only one change: EOTA was no longer included in the list of stakeholders to demand an amendment of an ETAG. EOTA stressed the point that MS always have to publish the *latest* version of the ETAG to avoid confusion between the version published on the EOTA website and the national versions. The SCC accepted the change in the ETAG.
47. Finland introduced this point. The AoC for this product has been discussed and the class of 2+ has been agreed in the previous PG meeting. Nevertheless a new decision has to be voted in the SCC. It was suggested by EOTA that the procedure

could be simplified by referring to an existing decision that would also cover these products. The CS will try but it seemed unlikely that such a decision already exists.

48. France asked if a list of products under Art. 4.5 of the CPD should be published and where. The CS replied that the list should be published on the web.
49. Another point raised by France was the request for extension of the co-existence period in the last SCC meeting (point 89 of the minutes of the 58<sup>th</sup> SCC meeting) and the CS have not mentioned what their final position has been. The CS replied that they have not changed their position that there is not enough justification to extend the coexistence period.
50. France also highlighted that there are some questions if different characteristics have different AoC levels and what kind of information a certificate by a Notified Body would finally give (in particular for the reaction on fire). The GP K is not very clear on this point. The CS agreed that an amendment of GP K should clarify this problem.
51. CEPMC asked if the latest version of Guidance Papers could be uploaded on the official website. Another clarification would be helpful concerning the legal status of the different guidance papers. The CS informed the SCC that the GP are now on NANDO acknowledged that the guidance papers are not officially binding but they could play a role in court cases where these documents could provide certain guidance. The legal status of GP of the NB is even weaker, but again, these papers have been developed and accepted within a wide range of stakeholders and NB have to justify if they are not following the content of the GP. The CS stressed the point that the GP have precedence over all other guidance documents provided by standardisation bodies or the GNB.

### ***CLOSE***

52. The Chairman thanked all the participants and closed the meeting.

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