



**OPERATIONAL CONCLUSIONS**

**70<sup>th</sup> MEETING OF THE COMMITTEE ART. 19 OF DIRECTIVE 89/106/EEC**

**26 and 27 January 2010**

1. Opening of the meeting
2. Adoption of the Agenda (CONSTRUCT 09/861 REV1)  
*The agenda was adopted with small amendments.*
3. Adoption of the minutes of the 69<sup>th</sup> SCC meeting (CONSTRUCT 09/862)  
*The minutes were approved without remarks.*
4. Information on the current state of play concerning Mandates and Commission Decisions (CONSTRUCT 09/863)
5. Reports for information
  - CEN progress report (CONSTRUCT 09/864)
  - EOTA progress report (CONSTRUCT 09/865) and (CONSTRUCT 10/882)
  - Advisory Group of Notified Bodies (CONSTRUCT 09/866)
  - CPD AdCo Group (no report).  
*After a discussion the EFTA representative agreed to chair the following ADCO meeting.*
6. Reports and feedback regarding the Commission Expert Groups (CONSTRUCT 09/868)
7. Report and feedback regarding the Eurocodes National Correspondents group (CONSTRUCT 09/869)

*Report of the EC services on the status of implementation of the Eurocodes in the MS and in particular on the mandate for further developing the Eurocodes integrating new materials and methods..*

8. a) Draft Commission Decision amending Decision 97/556/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards external thermal insulation composite systems/kits with rendering (ETICS) (CONSTRUCT 09/870).

*The proposed decision was approved by qualified majority [286 positive votes 29 votes against (UK), 10 votes abstaining (SE)]. EE, EL and LV were absent. The EFTA representative also agreed with the proposed decision.*

- b) Draft Commission Decision amending Decision 1999/93/EC on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards doors, windows, shutters, blinds, gates and related

building hardware (CONSTRUCT 09/871).

*The proposal was slightly amended during the meeting. The amended proposal was then approved by unanimity of the delegations present (322 positive votes). EE, EL, LV and MT were absent. The EFTA representative also agreed with the proposed amended decision.*

9. a) Practice applied concerning the co-existence period in case of replacement of already harmonized ENs (CONSTRUCT 09/872).

*Doc CONSTRUCT 09/872 was discussed. A revised version is under preparation awaiting some editorial improvements proposed by CEN and the UK Delegation.*

- b) Extension of co-existence periods for hENs and candidate hENs (CONSTRUCT 09/873)

*Doc CONSTRUCT 09/873Rev as adopted was uploaded in CIRCA on 27.01.2010.*

10. Draft mandate amendments:

Explanatory note concerning ER3 (CONSTRUCT 09/881):

- M/103: thermal insulation products (CONSTRUCT 09/875+Annex I, II, III):
- M/119: floor coverings (CONSTRUCT 09/877 + Annex I, II, III)
- M/125: aggregates (CONSTRUCT 09/878 + Annex I, II, III)

*The proposed amendments of mandates M/103 (thermal insulation products), M/119 (floorings) and M/125 (aggregates) for covering the Essential Requirement no 3 were discussed in the SCC and supported by most MS active in the field. After a period of three weeks for additional comments by MS, the amendments will be finalised and sent to the 98/34 Committee.*

- M/101: doors + windows (CONSTRUCT 09/874)

*The SCC was consulted on this mandate amendment. It will be translated in FR and DE and will be sent for consultation of the SC 98/34/EC.*

- M/118: wastewater engineering products (oral info)

*The SCC was consulted on this mandate amendment. It has been translated and sent for consultation of the SC 98/34/EC.*

- M/136: water supply products (CONSTRUCT 09/879)

*In mandate M/136 REV2 (construction products in contact with drinking water) all references to the previously envisaged European Acceptance Scheme (EAS) have been removed because it is no longer followed by the Commission. Therefore, the mandate was adapted to the current practical standardization work under the CPD and minor editorial changes to the technical part of the mandate have been made. The so revised version has been discussed and accepted by the SCC, and after a period of 3 weeks for any additional Member States comments, the mandate will be passed on to the 98/34 Committee.*

11. Information on the outcome of the examination of the queries on existing / candidate harmonised ENs (CONSTRUCT 09/880)

*After a thorough discussion the respective parties responsible for providing the necessary further information were encouraged to meet their responsibilities asap. A new meeting of*

*the Queries Group is foreseen to take place after the reception of the sufficient inputs.*

12. Exchange of views on other issues of common interest, and information, as raised by Member States

*BE reminded on the need to correct the cables mandate and to publish the relevant Commission Decision.*

13. Issues that CEN wants to raise to the SCC

*No issues were raised*

14. Issues that EOTA wants to raise to the SCC

*No issues were raised.*

15. Information on the current state of work related to the Commission's proposal on a Construction Products Regulation (oral)

*EC services expressed their concern to the low speed of work in Council and stressed that certain points of their CPR proposal cannot be negotiated.*

*CEPMC clarified that they are against an empty CE marking and FIEC stressed that the CE label must contain the necessary information.*

16. Regulation 765/2008 and related obligations for MS concerning construction products

*EC services reminded that MS must communicate their market surveillance programmes. An information campaign on the CE marking will be launched shortly covering all relevant EU directives*

*The EC services confirmed that under the New Legal Framework the accreditation of NBs continues to be a not mandatory requirement.*

17. Reference to the NPD options in hENs/ETAGs

*After a lively discussion, and the SCC thus having been consulted, the EC services declared that they intend to take the necessary steps in order to regularise the issue of the use of NPD within the context of harmonised technical specifications.*

18. Discussion on certain practices concerning the information accompanying the CE marking

19. Meeting provisions

*The next PG meeting is tentatively scheduled for 16 June and the next SCC meeting for 5+6 October 2010 (the availability of meeting rooms can only be confirmed 6 weeks in advance).*

20. Any other business:

**Three ENs without Annex ZA (EN 12416-1, EN 12416-2 and EN 13565-1):**

*The EC services referred to doc CONSTRUCT 09/857 Rev1 and concluded that no legal requirements exist for these components in MS. The EC services stressed also the following:*

- the fact that after 6 years of "obligatory" CE marking of Powder and Foam systems no CE certificate has been issued demonstrates probably that CE marking of these*

*products is not necessary,*

- *the manufacturers of these products are mostly SMEs - the required testing within the product certification is too expensive.*

*The EC services made the following proposal that was accepted by SCC Members:*

- *CEN/TC 191 will send an amended reply to M/109 that will be submitted to Standing Committee 98/34/EC;*
- *EN 12416-1, EN 12416-2 and EN 13565-1 will not be included in the next consolidated list of CPD hENs.*