

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 27 November 1978

Proposal for a

Council Directive

on the approximation of the laws, regulations and administrative provisions of
the Member States relating to construction products

Proposal for a

Council Resolution

laying down a list of priority products to be covered by directives implementing
Council Directive ___/EEC/___ on the approximation of the Laws, regulations
and administrative provisions of the Member States relating to construction
products

(Submitted by the Commission to the Council)

COM (XX) YYY final

EXPLANATORY MEMORANDUM

1. General

In all the countries of the European Community, the building industry is one of the major industrial sectors.

In the Member states, building and civil engineering account for approximately 15 % of the GNP and almost 60 % of the gross fixed capital formation (GFCF).

In 1975, this sector employed over 7 million workers throughout the Community (representing approximately 18.5 % of the total employed in the manufacturing industries).

The proportion of major materials and industrial products which goes to the building industry and civil engineering is as follows (*)

Roof tiles and bricks	100 %
Cement	100 %
Ceramic tiles and sanitary ware	100 %
Plaster	97 %
Flat glass	70 %
Wood	60 %
Paints	40 %
Steel	30 %
Plastics	25 %
Copper	15 %
Aluminium	10 %

(*) Euro-Construct

These pointers give some idea of the importance that attaches to the establishment of a common market in the building sector, particularly from the industrial point of view.

In view of the economies of scale which it would bring about and which would benefit both the producer and consumer, the unification of this market is an essential factor in the internal development of the Community's construction industry.

This internal development, in turn, is indispensable if the construction industry is to develop its exports to non-member countries, whether such exports take the form of products or of technology or - perhaps most important - of projects involving the supply of products and technology as well as the actual services.

At the present time the very large entity which is formed by the various national components of the construction industry in the Community is excessively compartmentalized.

The main characteristic of the end product of this industry, i.e. the building or the civil engineering structures, is that it is erected at the place of its final destination. It incorporates materials and components of different kinds and origins and is, therefore, subject to legal, regulatory and administrative provisions of a national and/or local nature. Such provisions have, in all countries, the same objective, namely to protect health, to promote safety and to impose requirements as regards the social aspects of construction, comfort, the environment and energy saving. However, although the aims of these provisions are identical, the methods advocated for achieving them are still very largely of an empirical nature, their evolution having been determined by the particular country and its history ; they therefore vary greatly from one country to another.

This has repercussions on the products, whether they be basic materials, semi-finished products, components or assemblies.

The definition of technical characteristics and performance, the test methods, the design codes, the methods of classification and the marketing and supervision procedures to which the products are subject, are different in each Member state.

Harmonisation of these provisions will result in both the establishment of a common market in the construction sector and the development of exports of these products to non-member countries.

It will have the effect of removing the fragmentation of internal market and limiting, if not reducing, the costs borne by industrial undertakings, which are frequently obliged to embark upon expensive, repetitive test programmes before they can submit their products for national approval procedures. Moreover, these procedures are in many cases a source of distortions of competition and a restraint on technical innovation which the construction sector urgently needs in order to reduce the continuous rise in production costs.

The resolution setting out the list of products to be covered by the approximation procedure is strictly limited to those which have to contend with major obstacles to trade and are manufactured in undertakings which depend to a considerable extent on a Community wide market for their profitability.

The proposal for a directive, which was prepared with the help of a group of government experts and representatives from the quarters concerned, is intended in the first instance to harmonize, pursuant to Article 100 of the EEC Treaty, the various procedures that govern the marketing and supervision of products intended for the construction industry.

This proposal constitutes a basic tool; it stems on the one hand from the procedures devised by the Community institutions for other industrial sectors, and on the other hand from the discussions that have taken place in the working party.

It defines the field of application, which comprises all the products used in the construction of buildings and civil engineering works. It would, however, be neither desirable nor efficient to try to harmonize systematically all products used in the building industry. Consequently, a list is being drawn up of priority products on which action at Community level is urgent. This list relates primarily to products in

respect of which the obstacles to free circulation have major repercussions both commercially and industrially.

The procedures which have been adopted are as follows :

- EEC type approval by the Member state itself ;
- EEC type examination carried out by the bodies authorized for this purpose by the Member state ;
- EEC self-certification by the manufacturer acting on his own responsibility.

The first two procedures may be supplemented by EEC verification of conformity to type carried out by bodies approved for this purpose by the Member state.

In view of the great variety of products that fall within the scope of the proposal for a directive, it is not possible to define criteria for deciding in advance the procedure to be adopted for a given product. Such a decision must take into account established practice, the purpose for which the product will be used in construction and the requirements that have to be satisfied. The choice may also be linked with considerations of a purely economic nature. The graded severity of the procedures means, however, that the administrative constraints can be adjusted to the needs.

The proposal also deals with problems relating to the designation of the approved bodies and with the question of markings.

2. Basic principles

The scope of the proposal for a directive is not, however, restricted to the definition of a field of application, to that of procedures such as EEC type approval, EEC type examination, EEC verification of conformity to type and EEC self-certification, nor to the problem of marks or of approved bodies.

It lays down the principles on which the implementing directives in respect of products intended for the building industry that fall within the scope of the directive must be based. The principles are concerned mainly with health and safety ; they apply to all products intended for the building industry, which in some respects constitute a highly diversified range.

For each product covered by an implementing directive, these principles must be reflected by appropriate means in the technical content of that directive. Depending on the requirements, the technical content should cover :

- technical characteristics, having regard to the intended use,
- test methods,
- calculation codes for properties and performance,
- classification and methods of classification,
- methods of inspection,
- rules for implementation.

Whichever procedure is adopted, the technical content can take the form of annexes specially drawn up for this purpose, or of standards, or of guidelines on technical approval. The choice is decided from case to case, according to the prevailing situation and in the light of consultations with representatives of the parties concerned and with government experts meeting in the working party.

The proposal for a directive laying down the principles and procedures is therefore based on the same system as that applied in certain Member states. In these Member states, outline laws are adopted by the legislature and the implementing provisions for these laws are adopted by the executive. It is on the basis of this analysis, which has been on frequent

occasions in resolutions of the European Parliament concerning the Customs Union, and also in order to simplify and accelerate the procedure for the adoption of the implementing directives with a view to the removal of technical barriers to trade in construction products - these directives being of a particularly technical nature - that the Commission, in its proposal for a directive, has adopted a procedure based on a wide application of the fourth indent of Article 155 of the Treaty.

This procedure, which is similar to that used for the adaptation to technical progress of directives, is implemented by a Committee on Rules, chaired by a representative from the Commission, which takes its decisions by a qualified majority vote weighted as set out in Article 148(2) of the Treaty.

Since the power to adopt implementing directives has been conferred on the Commission by the Council, there is no longer any need to distinguish between this procedure and that applied for adoption to technical progress, the latter procedure being entirely subsumed in the former.

It must be stressed that this proposal, relating to recourse to the fourth indent of Article 155, is in line with the suggestions made by the Commission, at the request of the Ministers for Foreign Affairs at their meeting at Villers-le-Temple, in its note to the European Council of 5-6 December 1977.

3. Method of harmonization

Two different methods can be used for the harmonization of legislation, the one optional, the other total. The "optional" method gives manufacturers the guarantee that their products which conform to Community provisions can circulate freely on the Community market. The "total" method enjoins Member states to admit to their market only those products which comply with Community provisions.

As regards products intended for the construction industry, emphasis should once more be placed on the diversity of the field covered by this proposal for a directive. It should also be stressed that the effect of harmonization must be to increase the users', and therefore the consumers', choice while at the same time allowing more open competition between producers. As a general rule, therefore, the Commission is in favour of resorting to the optional method of harmonization in the implementing directives. This general rule, of course, does not exclude the possibility of using the total harmonization method should this prove to be essential in the case of certain specific problems or as regards the use of certain products.

One of the aims of this directive is to allow an exporter to benefit from the advantages offered by the reciprocal recognition of checks without, however, obliging a local producer to grapple with the formalities and checks that compliance with Community measures entails. Consequently, the local producer need not comply with Community provisions if national legislation allows him not to do so.

The importance of such harmonization to the sector, which was also emphasized by the statement of the Committee on Housing, Building and Planning of the UN Economic Commission for Europe: "to consider the need to harmonize regulations and standards in order to promote international trade in building materials, components and equipment, as well as in construction machinery and Knowhow",¹⁾ justifies the effort in terms of work and staff which would be required in order to implement the proposal for a Directive.

4. Consultation of the European Parliament and the Economic and Social Committee

In pursuance of the provisions of Article 100(2) of the Treaty, the opinion of these two bodies is required. For the Member states, implementation of the provisions laid down by the proposal for a directive involves an amendment of their own laws.

1) Policy Statement - 13 October 1973
UN Economic Commission for Europe
Committee on Housing, Building and Planning
4th Seminar on the Building Industry - London 1973

NOTES ON THE PROPOSAL FOR A DIRECTIVE

Notes on Chapters

Chapter 1

First of all, Article 1 of this chapter defines the scope of the proposal for a directive. Since there are a vast number of construction products, the scope is defined very broadly. More detail is added to this definition by the descriptions given in Annex I.

However, in order to implement this proposal for a directive in the most rational and effective manner so as to achieve the desired effect in the Community's construction industry by removing barriers to the establishment of a common market for construction products, a list of priority products will be drawn up. This list will be the subject of a separate proposal for a Council resolution, which will, if possible, be transmitted to the Council at the same time as the proposal for a directive.

Finally, account has been taken in defining the scope of the directive of the existence of directives already adopted by the Council, certain aspects of which concern construction products. These directives, like those relating, for example, to dangerous substances, to pressure vessels or to electrical goods, are the subject of a general exclusion for all the aspects with which they deal.

Most of the rest of this chapter is composed of Article 2 which defines all the procedures and concepts dealt with in the proposal for a directive. This will facilitate the reading of the proposal and allow for a more straightforward understanding of its content. The subjects dealt with are :

- EEC type approval, EEC type examination, EEC type conformity inspection, EEC independent certification, technical approval, EEC products and EEC marks and certificates of conformity as referred to in Article 3.

Chapter II

This chapter deals with basic principles. It details the content of the implementing directives for products which fall within the scope of this directive.

The content must be such as to comply with the basic requirements laid down in Annex II, particularly as regards safety.

As stated in Article 4, directives will be adopted by the Commission on the basis of Article 155(4) of the Treaty, in accordance with the Committee procedure laid down in Article 28.

Article 5 provides that the procedures for placing on the market as laid down by the implementing directives can, in certain circumstances, be associated with technical approvals, details of which will be laid down in the directives.

Technical approval is a concept specific to the construction sector and is based on the concept of performance. In contrast to a straightforward typological description, it represents a powerful means of removing barriers to trade within a sector where elements required to fulfill a given function can be made from various materials and constituents.

It is also a concept which is essential to the development of technical progress and which favours innovation. This concept of performance is a fundamental principle whose influence is to be found notably in Article 4(2).

Article 6 opens the way to the use, if necessary, of the complete harmonization procedure in implementing directives, it being understood that optional harmonization is the general rule.

Finally, article 7 lays down the principle of free circulation for products which conform to EEC legislation, as shown by EEC marks and/or certificates of conformity.

Chapter III

This chapter deals with EEC type approval. It gives details of the implications, the procedure to be followed by the applicant, as described in Annex III, and the obligations of the Member state and those of the recipient.

It also states the special procedures which may accompany EEC type approval, together with the rights and duties conferred on the recipient who is granted an EEC type approval certificate, of which model is given in Annex IV.

It must be emphasised that EEC type approval is a procedure which deals with the placing on the market of construction products, the purpose of which is to facilitate the free circulation of conforming products. This means that Member states have a duty to process type approval applications addressed to them, where this is provided for by an implementing directive. It does not mean that Member states are obliged to insist on EEC type approval being obtained for use of the product concerned, unless this requirement already appears in their national legislation on construction.

Chapter IV

This chapter deals with EEC type examination. It gives details of the implications, the procedure to be followed by the applicant, as detailed in Annex III, the obligations of the approved body authorized by the Member state to carrying out this procedure and those of the recipient.

It also explains the special conditions which may accompany EEC examination, together with the rights and duties conferred on the recipient who is granted an EEC examination certificate, of which a model is given in Annex IV.

Chapter V

This chapter deals with EEC checking of conformity to type which can be a condition of obtaining an EEC type approval certificate or an EEC type examination certificate. It gives details of the conditions in which the

approved body shall carry out this supervision and the manufacturer's obligations.

Chapter VI

This chapter covers EEC independent certification. It explains the way in which this procedure is to be applied, the obligations of the manufacturer using it and those of Member states.

Taking into account the wide range covered by the construction products sector, the Commission has adopted the unanimous opinion of the group of experts and considers it is necessary to specify these procedures in the proposal for a directive. In referring the establishment of these procedures to implementing directives there is a risk that rather diverse procedures will be formulated for EEC independent certification. This would be contrary to the aims laid down in the proposal for a directive.

Chapter VII

This chapter deals with the procedure for adopting implementing directives on the basis of Article 155(4) of the Treaty. When a draft implementing directive is brought before the Committee by the Commission, which supplies the Chairman, it must be approved by a qualified majority in accordance with the weighting in Article 148(2) of the Treaty before the Commission can adopt it. If the Committee does not approve the draft, the Commission must transmit a proposal to the Council which has three months to act by a qualified majority. Should the Council not reply within this period, the Commission may adopt the proposal for an implementing directive.

Chapter VIII

This chapter contains the provisions on the safeguard clause. This clause is applied in certain circumstances when, although a product conforms to the provisions of the relevant implementing directive, it is recognized as presenting health or safety hazards.

The safeguard clause constitutes a derogation from the free circulation clause contained in Article 7.

Chapter IX

This chapter covers the special provisions which can be applied to products which fall within the scope of the draft directive but which are not yet the subject of an implementing directive.

The procedure defined is usually known as "conditional recognition of checks". According to this procedure, tests and checks made by an approved body in the exporting Member state in accordance with the current methods used in the importing Member state are recognized by the latter as conforming to national provisions laid down by law, regulation or administrative action.

Chapter X

This chapter deals with the approved bodies which are designated by Member states for technical approval system, EEC type examination, EEC supervision of conformity to type or, finally, for conditional recognition of checks.

Each Member state must send the list of such bodies to the other Member states and to the Commission.

To be approved these bodies must meet the minimum criteria laid down in Annex VI.

Member states must ensure that their designated approved bodies perform their task in a proper manner and continue to meet the minimum criteria laid down in Annex VI.

Chapter XI

This chapter contains the general and final provisions and, in particular, the provisions on the protection of EEC marks, on the costs arising from processing EEC type approvals, EEC type examinations and EEC checks on conformity to type and those relating to appeals by interested parties against decisions to refuse or withdraw EEC type approval or EEC type examination, to ban the right to use independent certification and to withdraw approval from a body.

Notes on the Annexes

Annex I

This Annex describes and gives examples of products which fall within the scope of the directive. These can be divided into the following main classes :

- unformed materials
- formed materials
- elements
- components
- plant

Annex II

This Annex describes the main requirements to be met by construction products.

The implementing directives will, for each product, define the implementing means for ensuring compliance with these requirements.

Annex III

This Annex gives step-by-step descriptions of the procedures for EEC type approval and EEC type examination, i.e. :

- the applicant's obligations, especially those concerning the establishment of the two parts of the application :
 - . the administrative dossier
 - . the technical dossier
- the Member state's or approved body's obligations ;
 - . certification
 - . publicity on certification and problems regarding the suspension or withdrawal of certificates

in cases where a construction product has to be EEC type approved or EEC type examined.

Annex IV

This Annex lays down the model certificate for EEC type approval or type examination. It also shows the model document which must be used for notifying suspension or withdrawal of an EEC type approval or type examination certificate.

Annex V

This Annex shows the models for each of the EEC marks relating to :

- EEC type approval
- EEC type examination
- EEC independent certification

as well as the corresponding conformity certificates.

It gives details of the information which must appear on these marks and more particularly explains how to establish, in the case of EEC type approval and examination, whether or not the EEC checking of conformity to type is associated with it.

This Annex also contains the model EEC independent certification statement.

Annex VI

This Annex sets down the minimum criteria with which Member states must comply in designating approved bodies, without prejudice to their power to take such measures and lay down such conditions as they may consider necessary at national level.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 100 and 155 thereof ,

Having regard to the proposal from the Commission ,

Having regard to the Opinion of the European Parliament ,

Having regard to the Opinion of the Economic and Social Committee ,

Whereas the provisions in force in the Member States for the manufacture,
inspection and use of construction products answer differing requirements;
whereas these divergences constitute barriers to trade within the Community ;

Whereas the construction products sector is very large and very
diversified ; whereas certain products and constituent materials are
used in other fields ; whereas harmonized rules at Community level already
exist for certain products and constituent materials ;

Whereas in order to remove the barriers, steps should be taken
at Community level to harmonize national laws, regulations and
administrative provisions ; whereas these harmonization measures must not
be contradictory to those already in force for certain products belonging
to the construction products sector ; whereas such products should be
excluded from the scope of this Directive insofar as all the aspects
directly connected with it have already been expressly covered or are in
the course of being covered ;

Whereas in order to remove the barriers, the performances to be complied
with, the technical specifications, the technical guides, the methods of
testing, of classification and of uniform calculation must be suitably
defined for the various products by means of annexes, standards and
technical approvals ; whereas the results of the tests, calculations,
classification and checks must be mutually recognized by the Member
States ;

Whereas the conformity of construction products to common provisions must be the subject of procedures which are recognized by all the Member States ; whereas the EEC type approval, the EEC type examination, the EEC check for conformity to type and the EEC self-certification procedures must be the subject of a common definition ;

Whereas the documents drawn up under these procedures are issued by approved bodies ; whereas, in order to ensure the reciprocal recognition of these documents or of the check on the use of the marks and/or certificates of conformity to which they give the right, these bodies should be approved on the basis of common criteria ;

Whereas the user must be able to tell from the EEC mark or certificate of conformity, whether a product has been the subject of EEC type approval, EEC type examination or EEC independent certification and whereas these procedures should therefore be indicated by distinctive marks which are easy to interpret ;

Whereas it is not possible absolutely to define the criteria for deciding in advance, according to the type of product, which of the EEC type approval, EEC type examination or EEC independent certification procedures should be applied ; whereas the established practice in the Member States must be taken into account in each case ; whereas the role the product plays, especially from the safety view point, must also be taken into account ;

Whereas, in general, the implementing directives must ensure that Member states may not refuse, prevent or prohibit the placing on the market of products which comply with the requirements of this Directive and of the appropriate implementing directive ; whereas, in certain cases it may nevertheless be desirable that Member States shall, in addition, allow only such products on to their market ;

Whereas, without prejudice to Articles 169 and 170 of the Treaty, provision should be made, within the framework of collaboration between Member States, for suitable arrangements to facilitate the solution of technical disagreements ;

Whereas provision should be made for directives implementing the rules laid down in this Directive on construction products or groups of such products; whereas these implementing directives must include technical specifications to which such products must conform ;

Whereas these implementing directives are defined in this Directive and assume the nature of executive measures ; whereas it is therefore desirable to confer on the Commission, assisted by a Committee acting on a qualified majority, the powers for executing this Directive ;

Whereas construction products put on the market could, while meeting the provisions of the relevant implementing directive, nevertheless endanger safety or health ; whereas, therefore, a procedure should be established in order to counteract this risk ;

Whereas, for products which are not yet covered by an implementing directive, it is desirable to provide for a transitional procedure to facilitate trade within the Community ;

Whereas it should be specified that the parties concerned must have available the appropriate legal means of appeal against decisions taken by the appropriate national authorities as regards the implementation of this Directive and of the implementing directives ,

HAVE ADOPTED THIS DIRECTIVE :

Chapter I

Scope and definitions

Article 1

1. This Directive shall apply to those products which are incorporated in buildings and civil engineering works, hereinafter called "products", which are described in Annex I.

2. Products which are the subject of separate Community Directives shall be excluded from the scope of this Directive.

However, such exclusion shall apply only to those aspects which are dealt with in the separate Directives.

Article 2

For the purposes of this Directive :

1. a) "EEC type approval" shall mean the act whereby a Member State certifies, after testing, that a type of product complies with the requirements of this Directive and of the relevant implementing directives ;
- b) "EEC type examination" shall mean the procedure by which a body approved for this purpose by a Member State establishes, after testing, that a type of product complies with the requirements of this Directive and of the relevant implementing directives ;
- c) "EEC verification of conformity to type" shall mean the procedure by which a body approved for this purpose by a Member State
 - shall ensure the correct usage, by the holder of an EEC approval certificate or an EEC type examination certificate, of an EEC mark and/or of the corresponding certificate of conformity ;
 - shall, by means of checks, factory inspections, sampling and tests, ensure that the product conforms to a type which has been the subject of EEC type approval or EEC type examination, as the case may be.

2. "EEC self-certification" shall mean the procedure by which the manufacturer certifies, on his own responsibility, that a product complies with the requirements of this Directive and of the relevant implementing directives.

3. "EEC product" shall mean products bearing one of the following EEC marks and/or accompanied by one of the following corresponding certificates of conformity :
 - a) The EEC mark of EEC type approval and/or the EEC type approval certificate of conformity ;
 - b) The EEC mark of EEC type examination and/or the EEC type examination certificate of conformity ;
 - c) The EEC mark of EEC self-certification and/or the self-certification certificate of conformity.

4. "Technical approval" shall mean an assessment of a product's suitability for use, based on performance, where such product, by reason of its novel use of materials or of the novelty of the materials themselves, is not yet covered by a standard.

This assessment shall be directed by technical guides and shall be based on laboratory and in situ experiments, which shall be as wide in scope as possible.

5. "The applicant", "the beneficiary" or "the holder" shall mean the manufacturer, the issuer of the licence or their duly accredited representative within the Community.

Article 3

The model EEC marks and the models for the EEC type approval, EEC type examination and EEC self-certification certificates of conformity are set out in Annex V.

Chapter II

Basic principles

Article 4

1. The implementing directives covering the products referred to in Article 1 shall be issued in accordance with the procedure laid down in Article 28.

Implementing directives may :

- either be of a general nature, for all products or for a sub-assembly of products,
- or relate to a group of products or to a particular aspect of a group of products.

The provisions of the implementing directives shall be such that the products which conform to them shall allow the constructions in which they are used to meet generally recognized requirements, especially those concerning safety. Such requirements are set out in Annex II.

2. The implementing directives shall lay down in each individual case, by the means appropriate to the product in question, and as necessary,

- the technical characteristics, having regard to the intended use ;
- the methods of testing ;
- the methods of calculating the properties and performance of a product ;
- the classification and methods of classification ;
- the inspection procedures ;
- the rules for bringing the products into use.

3. The implementing directives shall state, for each individual case, which procedure(s) described in this Directive shall apply to the marketing of the EEC product concerned.

The choice of procedure shall take account both of established practice and of the provisions of paragraph 1 and of Annex II.

Article 5

1. The implementing directives may provide that EEC type approval, EEC type examination or EEC self-certification shall be temporarily based on technical approvals issued by approved bodies in accordance with the guidance given in those directives.

2. Such implementing directives shall lay down the provisions necessary to ensure that the technical approvals issued by the competent approved bodies are consistent with each other.

Article 6

The implementing directives shall state, where necessary, the date after which Member States may no longer permit the marketing of products which are covered by these directives but are not in conformity with them.

Article 7

1. Member States may not refuse, prohibit or restrict the marketing of an EEC product, or its use for its intended purpose, on grounds covered by this Directive and the relevant implementing directives, if such product conforms to the provisions of such directives.

2. Products having EEC marks and/or certificates of conformity shall be presumed to be in conformity with such provisions.

Chapter III

EEC type approval and certificate

Article 8

1. The EEC type approval certificate is the document by which the Member State certifies that a type of product conforms with the provisions of this Directive and of the implementing directive.

2. The obtaining of an EEC type approval certificate, when provided for by an implementing directive, shall be a prerequisite to the marketing and use for its intended purpose of an EEC product.

Article 9

1. The application for EEC type approval of a type of product shall be made to the Member State by the applicant in accordance with the procedure laid down in Annex III.

Each Member State shall communicate to the other Member states and to the Commission the addresses to which applications for EEC type approval must be sent.

2. The Member State to whom the application is addressed shall acknowledge receipt thereof.

3. For a specific type of product, subject to any special provisions in the relevant implementing directive, an applicant may only make application for EEC type approval to one Member State.

Article 10

1. If the type of product submitted for EEC type approval conforms with the provisions of this Directive and the relevant implementing directives, the Member State shall grant approval and shall issue, in accordance with the model set out in Annex IV, an EEC type approval certificate, note of which shall be given to the applicant.

When EEC type approval is subject to the conditions laid down in Chapter V, and in particular those in Article 19, and to those set out in the implementing directives, the applicant shall undertake to abide by these conditions.

2. Moreover, an EEC type approval may be made subject to a time limit or to other conditions set out in the implementing directives. In particular, when the application is made, access to the works for inspectors and the means for them to ensure the conformity of the products manufactured with the approved type shall be guaranteed.
3. The implementing directives may provide that the applicant shall inform the Member State of the date from which he will start to manufacture the product.
4. The applicant shall affix the EEC type approval mark and/or draw up an EEC type approval certificate of conformity in accordance with the provisions of the implementing directive.

Article 11

1. If a Member State observes that several samples of a type approved product do not conform to this type, it shall request the holder of the certificate to rectify manufacture within a period specified by it, with possible suspension of the certification.

Where necessary, the implementing directive relating to this type of product shall stipulate the number of samples deemed sufficient to justify intervention by a Member State. If the holder of the EEC type approval certificate does not act upon the request within the stated period, the Member State shall suspend or withdraw the type approval under the conditions laid down in Annexes III and IV.

2. The Member State may withdraw the EEC type approval granted by it if it establishes that such approval ought not to have been granted.
3. It shall suspend or withdraw EEC type approval where the recipient no longer complies with the conditions referred to in Article 10.

Article 12

1. If a Member State is informed by another Member State of the existence of one of the cases referred to in Article 11, it shall comply, after consultation with that Member State, with the measures stated in that Article.
2. In the event of a dispute between the Member State which granted the EEC type approval and another Member State over the advisability of suspension or over the obligation to withdraw approval, the matter shall be brought before the Commission, which shall in consequence take all measures necessary, without prejudice to the provisions of the Treaty.
3. An EEC type approval may only be withdrawn by the Member State which granted it. This Member State shall immediately inform the other Member States and the Commission thereof, giving as far as possible the quantitative and qualitative details necessary to identify the non-conforming product.

Chapter IV

EEC type examination and certification

Article 13

1. The EEC type examination certificate is the document by which the approved body certifies that a type of product conforms with the provisions of this Directive and of the implementing directive.
2. The obtaining of the EEC type examination certificate, when provided for by an implementing directive, shall be a prerequisite to the marketing and use for its intended purpose of an EEC product.

Article 14

1. The application for an EEC examination of a type of product shall be made to the approved body by the applicant in accordance with the procedure laid down in Annex III.
2. The approved body to whom the application is addressed shall acknowledge receipt thereof.
3. For a specific type of product, subject to any special provisions in the relevant implementing directive an applicant may only make application for EEC examination to one competent approved body.

Article 15

1. If the type of product submitted for EEC type examination conforms with the provisions of this Directive and the relevant implementing directives, the approved body shall issue, in accordance with the model contained in Annex IV, the EEC type examination certificate, notice of which shall be given to the applicant. When EEC type examination is subject to the conditions laid down in Chapter V, and in particular those in Article 19, and to those set out in the implementing directives, the applicant shall undertake to abide by these conditions.
2. Moreover, an EEC type examination certificate may be made subject to a time limit or to other conditions set out in the implementing directives. In particular, when the application is made, access to the works for inspectors and the means for them to ensure the conformity of the product manufactured with the type submitted for EEC examination shall be guaranteed.
3. The implementing directives may state that the applicant shall inform the approved body of the date from which he will start to manufacture the product.
4. The applicant shall affix the EEC type examination mark and/or draw up an EEC type examination certificate of conformity in accordance with the provisions of the implementing directive.

Article 16

1. If an approved body observes that several samples of a product, for the type of which an EEC type examination certificate has been issued, do not conform to this type, it shall request the holder of the certificate to rectify manufacture within a period specified by it, with possible suspension of the certification.

Where necessary, the implementing directive relating to this type of product shall stipulate the number of samples deemed sufficient to justify intervention by the approved body. If the holder of the EEC examination certificate does not act upon the request within the stated period, the approved body shall suspend or withdraw the type examination certificate under the conditions laid down in Annexes III and IV.

2. The approved body may withdraw the EEC type examination certificate granted by it if it establishes that it ought not to have been granted.

3. It shall suspend or withdraw an EEC type examination certificate where the recipient no longer complies with the conditions referred to in Article 15.

Article 17

1. If in a Member State one of the cases described in Article 16 is observed, that Member state shall inform the Member State in which the EEC type examination certificate was issued.

2. The Member state in which the EEC type examination certificate was issued shall require the approved body to take the measures provided for in Article 16.

3. In the event of a dispute between the Member State in which an EEC type examination certificate was issued and another Member State, the matter shall be brought before the Commission, which shall in consequence take all measures necessary, without prejudice to the provisions of the Treaty.

4. An EEC type examination certificate may only be withdrawn by the approved body which granted it. This approved body shall immediately inform the Member State which appointed it of its action. This Member State shall

immediately inform the other Member States and the Commission thereof, giving as far as possible the quantitative and qualitative details necessary to identify the non-conforming product.

Chapter V

EEC type conformity check

Article 18

EEC type conformity checks shall be carried out by the approved bodies referred to in Chapter X.

Article 19

The holder of the type approval certificate or the examination certificate shall :

- a) inform the approved body responsible for EEC type conformity checks :
 - of the place where the manufacturing plant is located,
 - of the date on which manufacture will start,
 - of any other necessary information laid down in the implementing directive ;
- b) ensure access for the representatives of the approved body to the manufacturing plant and/or to the stores involved and to the inspection registers and give them all the information necessary for the performance of their task ;
- c) permit the approved body to take samples in accordance with the procedures provided for by the implementing directive.

Article 20

1. The inspecting body shall ascertain whether the manufacturer has available the necessary means and the competent staff to enable him to carry out internal inspection of the EEC products manufactured, whether he actually carries out

this internal inspection and whether he keeps inspection registers if this is laid down by the implementing directive.

2. The approved inspecting body may take samples without prior warning from the manufacturing plant and the specified stores. Furthermore, it is entitled to take samples, against payment at all stages of marketing including, in appropriate circumstances, from building sites.

3. If the manufacturing plant or the stores are situated in, or if marketing is carried out in a Member State other than that which granted the EEC type approval, the inspecting body approved by the Member State which has granted such type approval may collaborate with the approved body in the Member State where the samples are to be taken for the checks referred to in paragraph 2.

In the case of EEC type examination, the approved body which has granted the examination certificate may collaborate with the approved inspection body insofar as these two bodies are separate.

4. The approved body which has carried out the inspection shall forward its report, depending on the circumstances, to the Member state which has issued the EEC type approval or to the approved body which has issued the EEC type examination certificate if this is a separate body.

Article 21

1. Where the checks referred to in Article 20 approve that the product manufactured does not conform to the type which has been approved or which has received the EEC type examination certificate and/or that the provisions of this Directive and the relevant implementing directives have not all been satisfied, the Member State or the approved body shall take against the beneficiary, and according to the circumstances, the measures referred to respectively in Articles 11 and 12 or in Articles 16 and 17.

2. As in the case of the withdrawal decision, the suspension decision shall be communicated to the other Member States, who shall inform the approved bodies thereof, and also to the Commission.

Chapter VI

EEC self-certification

Article 22

1. The implementing directives may provide for EEC self-certification. In this case, the manufacturer shall affix the EEC self-certification mark and/or shall establish the self-certificate of conformity in accordance with the provisions of the implementing directives.
2. The implementing directives may also specify that the manufacturer shall draw up a technical note which he shall attach to the accompanying commercial documents. The model of the technical note shall be laid down in the implementing directive which provides for it.
3. Where applicable, the implementing directives may provide for the self-certification of conformity and/or the technical note to be replaced by a manufacturer's declaration entered directly on the accompanying commercial documents.

Article 23

1. A manufacturer who intends to use EEC self-certification shall inform the Member State on whose territory the product is manufactured thereof, the date on which he will begin and, where applicable, the date on which he will cease to use self-certification.
2. The manufacturer shall draw up his declaration of intent in accordance with the model set out in Annex V. The Member State to whom this is addressed shall send copies thereof to the other Member States and to the Commission.
3. For products manufactured outside the territory of the Community, the Member State to whom the manufacturer's declaration is addressed shall send copies thereof to the other Member States and to the Commission.

Article 24

In order to apply EEC self-certification a manufacturer shall have available the technical means needed to check the products manufactured and shall carry out such checks under the conditions provided for by the implementing directive and shall keep inspection registers.

"Have available" here means that the manufacturer shall have in his factories the necessary equipment and staff or that he shall make use of a body which possesses these and with which he is linked by a permanent contract.

Article 25

Member States shall take all necessary measures to ensure that self-certified EEC products satisfy the provisions of this Directive and of the relevant implementing directives. In particular they shall oblige the manufacturer to permit visits to his plant by inspectors and, if necessary, to submit the inspection registers to them.

Article 26

1. Without prejudice to other provisions of national legislation, a Member State may withdraw from a manufacturer the right to apply EEC self-certification if it becomes clear that the product does not conform to the provisions of the relevant implementing directive and/or that the provisions of this Directive are not being respected.

2. In this case, this Member State shall immediately inform the other Member States and the Commission thereof giving as far as possible the quantitative and qualitative details necessary to identify the non-conforming product.

3. In the event of a dispute between Member States on the need or otherwise to withdraw from a manufacturer the right to apply EEC self-certification, the matter shall be brought before the Commission which shall in consequence take all measures necessary.

Chapter VII

Procedure for the adoption of implementing directives

Article 27

1. A Committee of Implementing directives is hereby set up with a view to removing technical barriers to trade in the construction products sector, hereinafter called "the Committee", which shall comprise representatives of Member states, with a representative of the Commission as Chairman.
2. The Committee shall adopt its own rules of procedure.

Article 28

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft implementing directive. The Committee shall deliver its Opinion on this draft within a time limit set by the Chairman, having regard to the urgency of the matter. Opinions shall be adopted by a majority of 41 votes, the votes of the Member States being weighted as provided in Article 148(2) of the Treaty. The Chairman shall not vote.
3. a) The Commission shall issue the implementing directive when it is in accordance with the Opinion of the Committee.
b) Where the draft implementing directive is not in accordance with the Opinion of the Committee, or in the absence of an Opinion, the Commission shall without delay submit to the Council a proposal relating to the implementing directive. The Council shall act by a qualified majority.
c) If, after a period of three months from the date on which the matter was brought before the Council, the latter has not taken any action, the draft implementing directive shall be issued by the Commission.

Chapter VIII

Safeguard Clause

Article 29

1. Where a Member State has good grounds for believing that an EEC product, although satisfying the requirements of this Directive and the relevant implementing directives, presents a hazard to safety or health, it may temporarily prohibit, or attach special conditions to, the marketing and use of that product. It shall immediately inform the Commission and other Member States thereof, giving the reasons for its decision.

2. The Commission shall consult the Member States concerned within six weeks, then deliver its Opinion without delay and take the appropriate measures.

3. If the Commission considers that amendments to the relevant implementing directives are needed, such amendments shall be adopted in accordance with the procedure laid down in Article 28 ; in this event the Member State which took the safeguard measures may retain them until these amendments come into force.

Chapter IX

Special Provisions

Article 30

1. This Article shall apply to products within the scope of this Directive, as defined in Article 1, which are not yet the subject of an implementing directive.

2. In this event :
 - a) the Member State addressed shall consider as conforming to current national laws, regulations and administrative provisions those products which have satisfied the tests and checks carried out by an approved body.
 - b) The tests and checks shall be carried out in accordance with the methods current in the Member State addressed or recognized as equivalent by that Member State.
 - c) Member States shall, on request, supply approved bodies with all necessary information on the procedure to be followed and on the tests and checks to be carried out.

3. Member States shall attach to reports and certificates issued by the approved body which has carried out the tests and checks provided for in paragraph 2 under b) the same value as they attach to the corresponding national documents.

Chapter X

Approved bodies

Article 31

Each Member State shall forward to the other Member States and to the Commission the list of approved bodies, with addresses, referred to in Articles 5, 13, 18 and 30, specifying the groups of products falling within their competence and the nature of the task assigned to them. It shall also inform the other Member States and the Commission of any subsequent change in this list.

Article 32

The approved bodies shall in all cases satisfy the minimum criteria laid down in Annex VI without prejudice to the competence of the Member States to take measures and lay down the conditions which they consider necessary at a national level to ensure the proper working of these bodies.

Satisfaction of these minimum criteria by a body shall not oblige a Member State to approve this body.

Article 33

1. Member States shall ensure that the approved bodies carry out the tasks assigned to them correctly.

To this end, they shall by appropriate measures oblige the approved bodies to submit to inspection at any time by the Member State which has appointed them.

2. A Member State may authorize a body which it has approved, without thereby limiting this body's own responsibility, to entrust to one or more laboratories the execution of the tests to be carried out as part of the EEC type examination. These laboratories shall satisfy the minimum criteria laid down in Annex VI.

3. If a Member State finds that a body which it has appointed is not carrying out the tasks assigned to it correctly, the Member State shall take all the appropriate measures in respect of this body.

4. In all cases the Member State shall withdraw approval from a body which it has appointed if it finds that this body has ceased to satisfy the minimum criteria laid down in Annex VI.

5. If a Member state does not withdraw approval from a body which no longer satisfies the minimum criteria, any other Member State may, without prejudice to the provisions of the Treaty, bring the matter before the Commission, which shall in consequence take all measures necessary.

Article 34

1. The Member State which withdraws approval from a body shall take all measures necessary to ensure continuity in the implementation of the obligations and duties which result from the attestations, certificates and reports drawn up by this body before the withdrawal of approval.

2. The Member State may annul attestations, certificates and reports established by this body before the withdrawal of the approval insofar as they should not have been issued.

Chapter XI

General and final provisions

Article 35

Member States shall take all measures necessary to ensure that products which have not received EEC type approval nor EEC type examination nor EEC self-certification should not carry either on the products themselves or on their packaging or their certificates of conformity or the accompanying commercial documents any signs, marks or inscriptions likely to create confusion with the EEC marks.

Article 36

1. The costs resulting from the operation of the EEC type approval procedure or of the EEC type examination and the costs of EEC type conformity checks with which these procedures are linked shall be borne by the applicant.
2. These costs shall cover the expenses incurred by the Member State and/or the approved body.
3. The implementing directives may lay down the rules for the implementation of paragraph 2.

Article 37

1. Member States shall take all measures necessary to ensure that the parties concerned may appeal against the decisions referred to in Articles 7, 10-12, 15-17, 21, 26, 30, 33, 34 and 36 or against any other decision taken in pursuance of this Directive and of the implementing directives.
2. The reasons for any decisions by a Member State shall be set out and the party concerned shall be notified as soon as possible of the decision and of the means of appeal available in the Member State and the period within which such appeals must be lodged.

Article 38

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive within a period of eighteen months from its notification and shall forthwith inform the Commission thereof.

2. As soon as this Directive has been notified, Member States shall also ensure that the Commission is informed, in sufficient time for it to submit its comments, of any subsequent draft essential laws, regulations or administrative provisions which they intend to adopt within the field covered by this Directive.

Article 39

This Directive is addressed to the Member States.

ANNEX I

Construction products : description

1. Construction products incorporated in buildings and civil engineering works are products, the use, working or installation or laying of which, come under the economic activities listed in Class 50 of the "General Industrial Classification of Economic Activities within the European Communities (NACE)" shown in the following table :

Class		
50	Building and civil engineering	
	Group	
	500	Building and civil engineering (no specialization) demolition
	501	Construction of buildings (residential and others)
	502	Civil engineering : construction of roads, bridges, railways, etc.
	503	Installations
	504	Fitting out and finishing

Annex I

2. Products suitable for use in a building or in civil engineering works which come within the scope of this directive (see Article 1), and which may be the subject of implementing directives, are :

Elements :

e.g., prefabricated wall elements ;
prefabricated roof elements.

Components :

e.g., door components, including locks and ironmongery ;
staircases.

Shaped materials :

e.g., bridges, tiles, pipes and panels.

Amorphous materials :

e.g., granular materials and paint.

Installations :

e.g., waste disposal installations ;
water supply system.

3. The products listed in paragraph 2 of this Annex are given as examples. They do not constitute a definitive list.

ANNEX II

Requirements relating to construction products

1. Basic requirements for buildings and works

In defining the requirements of specific users of buildings and, in some circumstances, of society in general, the following properties of buildings must be taken into account :

- reliability,
- safety,
- hygiene,
- comfort,
- economy.

In particular, these properties cover :

Stability of the buildings and of its parts

Safety in the event of fire

Safety in the use of fittings and fixtures

Safety of traffic (on foot or mechanical)

Security against intruders

Air purity

Potability of water

Absence of any harmful materials with which the occupants might come into contact

Protection against insects and other pests

Absence of damp walls

Easy maintenance of the property, especially service areas

Feasibility of disinfection

Removal of rubbish

Acoustic comfort

Hygrothermic comfort

Durability

Performance/cost ratio

Maintenance and operational costs.

Annex II

2. Requirements relating to products

The performance of the building as a whole can sometimes be used as a basis for calculating or forecasting the performance of elements and components which, in their turn, depend on the physical properties of their constituent materials. The main requirement for amorphous and shaped construction materials is that their properties must be known and their performances must remain stable within specified limits.

Implementing directives, by laying down methods of classification, testing and inspection, must enable the following objective to be attained : products must be so manufactured and dimensioned that they can be used for their intended purpose ; that they are stable in use, that their durability is reasonably predictable and that the proportion of defective products remains within acceptable limits.

To this end :

- a) The values for the properties of products which are characteristic of a group of products and/or which indicate their suitability for use must be
 - established by the manufacturer
 - freely available in the manufacturer's literature
 - indicated on the packaging, where possible.
- b) EEC marks, together with the particulars on origin specified in the implementing directives, must appear on the products, on the packaging or on the accompanying commercial documents.

3. Requirements relating to the bringing into use of products

The basic requirements relating to buildings and works can only be fulfilled if the products incorporated in them are used properly and correctly installed. To this end, implementing directives must contain provisions ensuring that the manufacturer supplies adequate information to the designers, the constructors and the users on the optimum conditions of use.

ANNEX III

EEC type approval and type examination

1. Applicant's obligation

- 1.1. The application shall be sent to the address (or, in the case of EEC type Examination, to one of the addresses) indicated by the Member state.

The Member state to whom the application is addressed has the right to require that the application and the relevant correspondence be in its official language or languages. This also applies to all documents attached to the application.

- 1.2. The application shall be in two parts :

- the administrative dossier
- the technical dossier

- 1.2.1. The administrative dossier shall comprise the following :

- name, address and status of applicant (manufacturer, licensor or agent),
- details of the person to whom correspondence must be addressed,
- the implementing directive invoked,
- trade description(s) of the product,
- a statement on the ownership of the manufacturing process (e.g. patents) which enables the applicant to make the application,
- a statement certifying that the applicant has not submitted the same application to another country or approved body.

- 1.2.2. The technical dossier shall comprise (in duplicate) :

- all the descriptive documents and drawings needed to understand the manufacturing process for the product and the way in which it is used, and any documents required by the implementing directive,
- documents relating to any national approval already given to the product,

Annex III

- EEC type approval or type examination certificates already granted for objects incorporated in the product or EEC self-certification certificates,
- the locations provided for affixing the mark in accordance with the latitude allowed by the implementing directive.

2. Obligations of the Member state or approved body

2.1. The applicant shall receive, within six weeks from the receipt of his application, notification as to whether such application has been granted or refused.

If it is granted, he shall be notified of the serial number, of the dossier's priority date and of the expected date of issue of the certificate.

If it is refused, he shall be notified of the reasons for refusal, and where applicable, of any items the submission of which might make the application acceptable.

2.2. The Member state or approved body shall, at the same time, send an estimate of the charge for its action.

2.3. The Member state or approved body shall initiate the examination of the application, in accordance with the relevant implementing directive.

2.4. If, within the period stated in paragraph 2.1. above, the examination has not been completed, the applicant shall be entitled to request repayment of any fees and shall be free to submit an application to another Member state or approved body.

3. Certificates

3.1. The EEC type approval and EEC type examination certificates shall be drawn up in accordance with the models in Annex IV.

3.2. The certificate shall state the conclusions of the EEC type approval or type examination and shall indicate any conditions to which it may be subject. It shall be accompanied by any descriptions and files needed to identify the type and may describe the method of using the product.

Annex III

- 3.3. i) In the case of EEC type approval, in each Member state, the EEC type approval numbers on the certificates shall be issued in series for each group of products.
- ii) In the case of EEC type examination, for each approved body, the EEC type examination numbers on the certificates shall be issued in series for each group of products.
- iii) Each Member state and approved body shall keep a register of certificates issued.
- 3.4. The EEC type approval or type examination certificate places an obligation on the recipient to use the EEC marks and/or the certificates of conformity, the models of which are reproduced in Annex V, in accordance with the provisions of the relevant implementing directives.

4. Publication of certificates

4.1. At same time as the applicant is notified :

- in the case of EEC type approval, copies of the certificate shall be sent by the Member state in which it was issued to the other Member states and to the Commission.
- In the case of EEC type examination, the approved body granting the certificate shall send a copy to the Member state by which it was designated ; the Member state concerned shall send copies of the certificates to the other Member states and to the Commission.

In both cases, Member states shall, on request, be able to obtain a copy of the technical dossier relating to the product and of the reports on the examinations and tests to which it was submitted.

- 4.2. Lists of EEC type approval and type examination certificates shall be published periodically in the Official Journal of the European Communities.
- 4.3. Any Member state which refuses an EEC type approval certificate shall inform the other Member states and the Commission of such refusal. An approved body which refuses an EEC type examination certificate shall inform the Member state by which it was designated ; the Member state concerned shall inform the other Member states and the Commission of such refusal.

Annex III

4.4. The suspension of an EEC type approval or type examination certificate shall be published in accordance with the procedure laid down in 4.1. Withdrawal shall be published in accordance with the procedure laid down in 4.1. and 4.2.

Suspension and withdrawal shall have the same effect on the use of EEC marks and/or certificates of conformity. However, in the case of suspension, the manufacturer may, if he corrects the faults which caused the suspension to be imposed, be granted a lifting of the suspension by the approved EEC inspection body.

On the other hand, in the case of withdrawal, the manufacturer must, depending on the circumstances, either submit a new application for EEC type approval to a Member state or submit a new application for EEC type examination to an approved body.

5. Modification of the trade description

The Member state which has granted an EEC type approval certificate, or the approved body which has granted an EEC type examination certificate, must be informed by the recipient of any change in the trade description of the product concerned.

ANNEX IV

EEC TYPE APPROVAL*/TYPE EXAMINATION* CERTIFICATE No.

Member state

Name and address of Ministry* - approved body
.....
.....

Implementing directive	Reference No.
Title
.....
.....

Product

1) Type

2) Trade description(s)
.....

3) Name, title and address of applicant
.....
.....

4) Documents attached to certificate
.....
.....

5) Additional information
.....
.....

EEC type approval - EEC type examination certificate

6) granted on under No.

7) Duration of validity

Refusal of certificate

8) Reasons for refusal
.....
.....

Made at on

(Signature)

* Delete if not applicable

ANNEX V

EEC marks and certificates of conformity with

- EEC type approval
- EEC type examination
- EEC self-certification

Statement of EEC self-certification.

Each of these procedures :

- EEC type approval
- EEC type examination
- EEC self-certification

shall give the right to use a distinctive mark. This mark shall also appear on the certificate of conformity or on the documents which take its place in the case of EEC self-certification.

1) EEC type approval mark and certificate of conformity

1.1. EEC type approval mark

There shall be two variants, according to whether type approval is subject to EEC inspection or not :

1st variant : Type approval subject to EEC inspection

The EEC mark shall comprise a stylized letter ξ surrounded by a double hexagon, the whole circumscribed by a circle (fig. No. 1).

As indicated in the figure No. 1, the upper part shall carry :

The number given to the implementing directive by the Commission in chronological order of adoption ;

Below :

- the type approval certificate's reference number
- the initials of the Member state in which the type approval certificate was granted
- the last figures of the year of certification.

Finally, at the bottom, the sign or registered mark of the approved inspection body.

Annex V

2nd variant : Type approval not subject to EEC inspection (fig. No. 2)

The same mark shall be used, but without the circumscribing circle and the sign or registered mark of the inspecting body.

1.2. EEC type approval certificate of conformity

The model certificate of conformity is reproduced hereafter.

This certificate shall bear the EEC mark relating to the EEC type approval.

Annex V

2) EEC type examination mark and certificate of conformity

2.1. As in the case of EEC type approval, there shall be two variants according to whether the EEC type examination is subject to EEC inspection or not.

1st variant : EEC type examination with inspection

The EEC mark shall comprise a stylized letter ξ surrounding by hexagon, circumscribed by a circle (Fig. 3).

The information within the hexagon shall be identical to that required for type approval.

In this case, however, the sign or registered mark of the approved body which issued the certificate of examination shall be reproduced in the upper part of the hexagon.

Annex V

2nd variant : EEC type examination without inspection (fig. 4)

In this case the circumscribing circle shall not be used. There shall be only the hexagon and within it the same information as in the 1st variant except as regards the sign or registered mark of the approved inspection body.

2.2. EEC type examination certificate of conformity

The model EEC type examination certificate of conformity shall be identical to that relating to EEC type approval.

The only change shall consist of replacing EEC type approval in the title and text with EEC type examination.

3. Statement of EEC self-certification

The model EEC self-certification statement is given hereafter.

4. EEC self-certification mark and certificate of conformity

4.1. EEC self-certification mark (fig. 5)

The EEC self-certification mark shall consist of a stylized letter ξ surrounded by a broken hexagon as shown in the figure No. 5.

Within the hexagon, the reference No. of the implementing directive and the initials of the country of origin shall be indicated.

4.2. Certificate of conformity

The self-certificate of conformity is given hereafter. The certificate shall bear the EEC mark relating to the EEC self-certification. Where the special directive provides for the certificate of conformity to be replaced by a statement of conformity on the accompanying business documents, the EEC self-certification mark shall be appended to these documents.

Figure No. 1

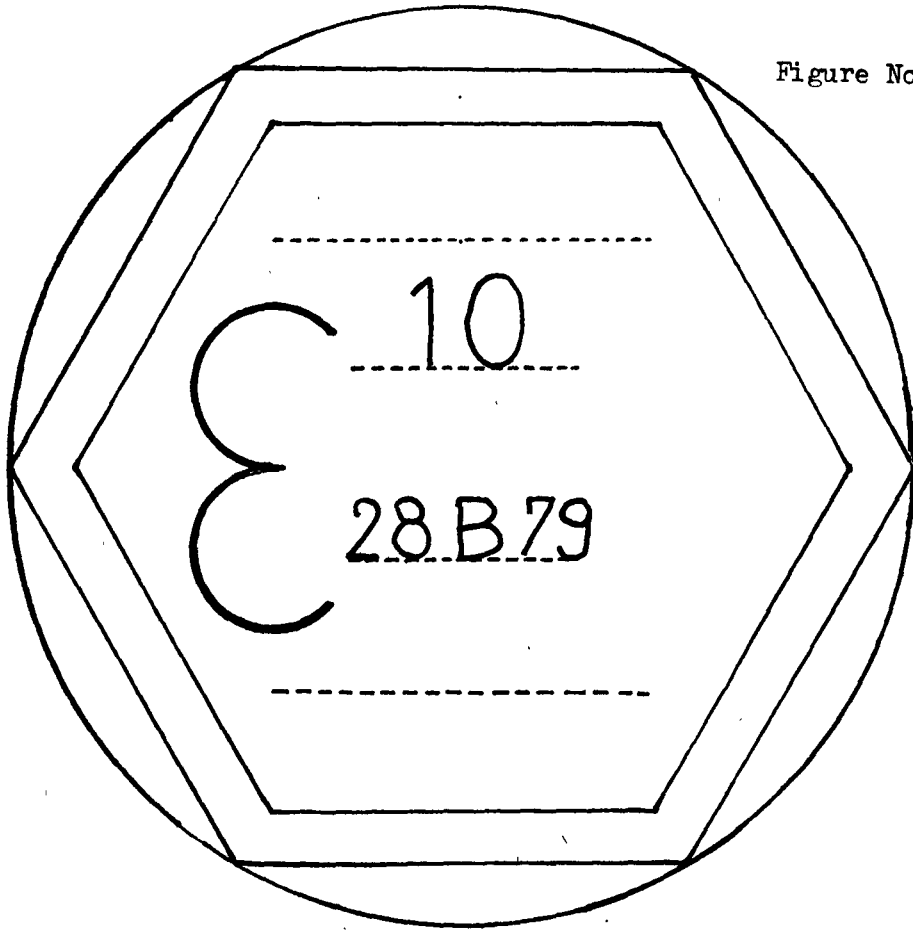


Figure No. 2

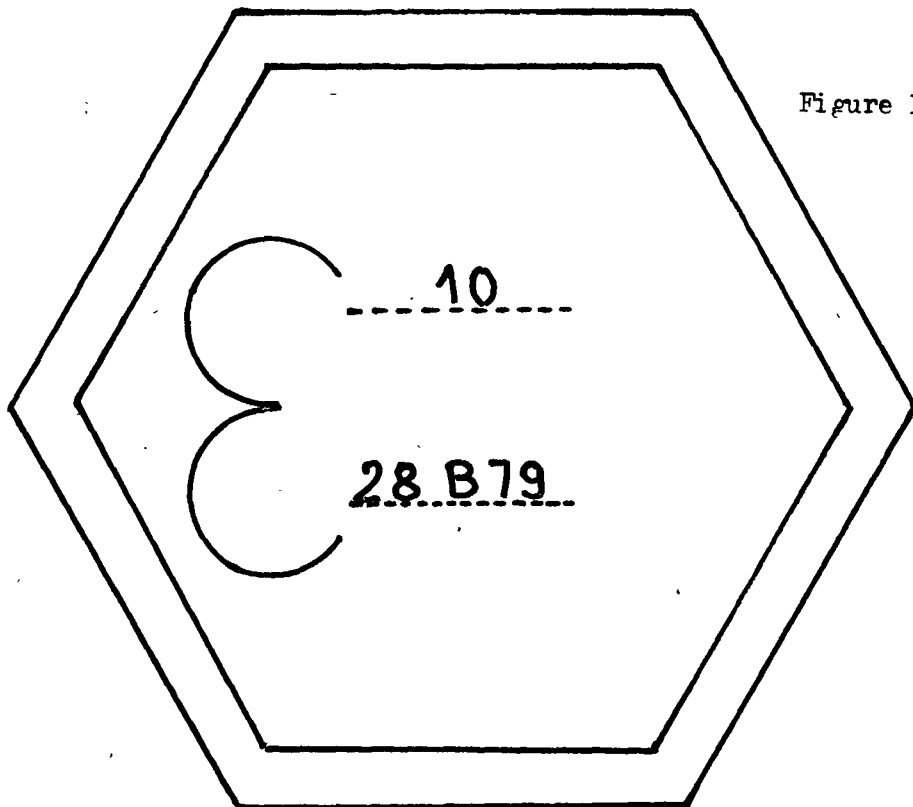


Figure No. 3

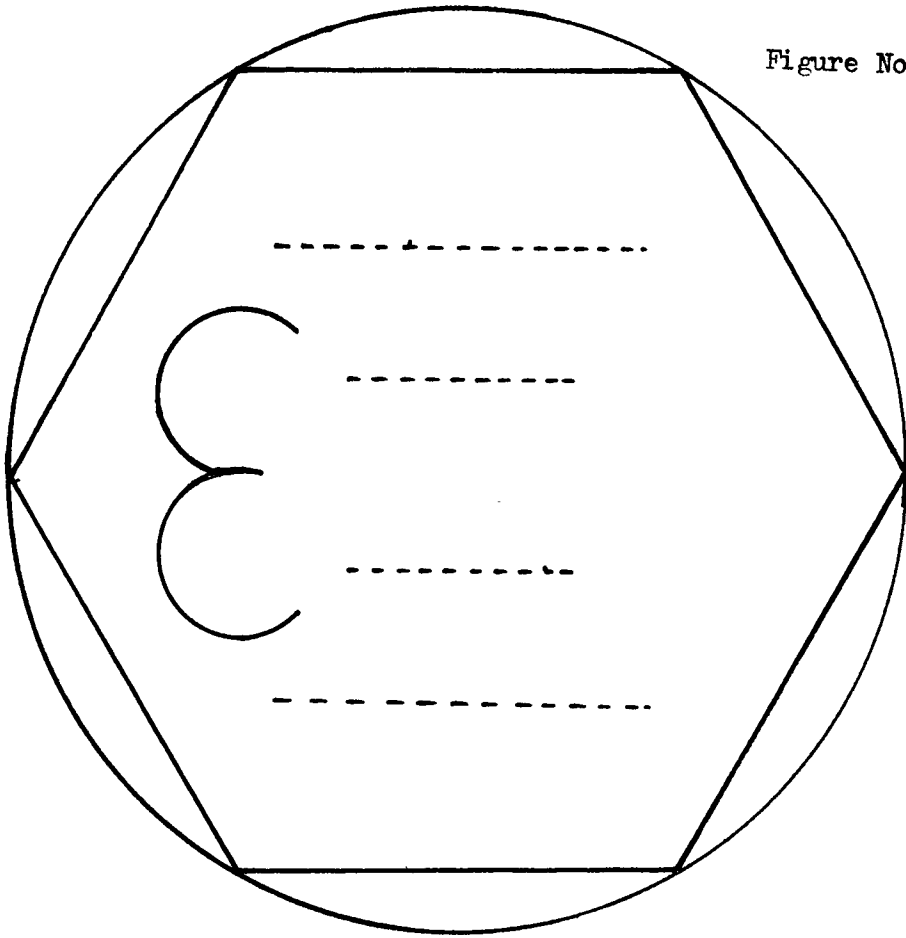


Figure No. 4

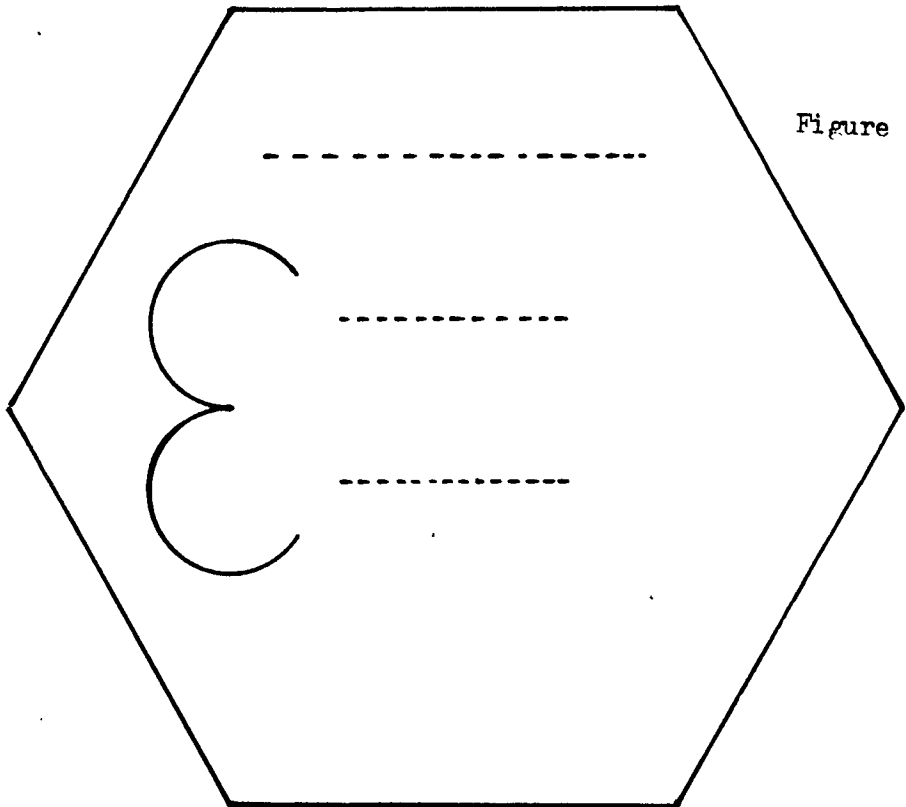
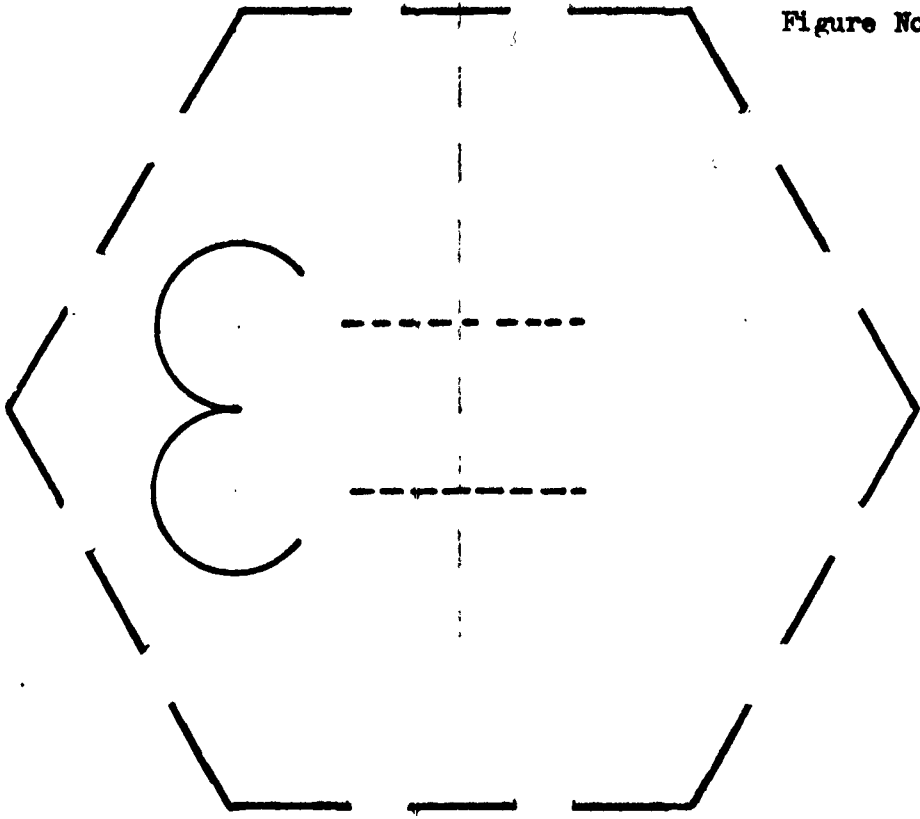


Figure No. 5

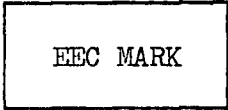


EEC TYPE APPROVAL CERTIFICATE OF CONFORMITY*

EEC TYPE EXAMINATION CERTIFICATE OF CONFORMITY*

The undersigned

Acting as



Company

Address

Certifies that the construction product of his
manufacture

Type

Trade description

is the subject of EEC approval No.*
EEC type examination* and that it conforms to the provisions
of the implementing directive(s) relating to it as detailed
below.

Title

Reference No.

Done at on

(Signature)

* Delete if not applicable

EEC SELF-CERTIFICATION STATEMENT

The undersigned

Surname Forenames
Acting as
Company
Address

declares that from he will use the EEC certification
mark and/or certificate of conformity for the construction product of his
manufacture

type

Trade description(s)

conforming to the provisions of the implementing directive(s)

Title

Reference No.

whose provisions he undertakes to abide by.

Quality control for conformity will be provided by the Company itself (1)
by the specialist body (1)

Name

Address

Done at on

(Signature)

(1) Delete if not applicable

EEC SELF-CERTIFICATE OF CONFORMITY

The undersigned



SurnameForenames
Acting as
Company

Certifies that the construction product of his manufacture
type
trade descriptions

conforms to the provisions of the implementing directive(s)
relating to it as detailed below :

Title
Reference No.

Done at on

(Signature)

ANNEX VI

Minimum criteria to be taken into consideration by Member states when designating approved bodies

1. The approved bodies responsible for examining construction products with a view to the issue of the EEC type examination certificate and the EEC type conformity inspection must have at their disposal the qualified staff and facilities necessary for the proper performance of the technical and administrative tasks connected with the issue of certificates and the execution of inspections. They must also have access to the plant required for any special examinations and inspections as provided for in the implementing directives.
2. The approved body, its director and its staff may not be a trade association, a manufacturer or his agent, a supplier, the entrepreneur, the contractor, the sub-contractor or the leaser. They may not take part either directly or in any other manner, in the design, manufacture, marketing, sale or maintenance of the product. This does not preclude the possibility of exchanges of technical information between the manufacturer and the approved body.
3. The staff responsible for examining products in connection with a view to the issue of the EEC type examination certificate and inspection must carry out these assignments with the highest degree of professional integrity and technical competence and must be free from all pressures and inducement, particularly of a financial nature, that might influence their judgement or the result of their work, especially from persons or groups of persons with an interest in the results of the examination.
4. The staff responsible for examinations and inspections must have :
 - sound professional and technical training ;
 - satisfactory knowledge of the requirements relating to the examinations and inspections they carry out and adequate practical experience of this work ;
 - necessary ability to prepare the records and the reports which are the outcome of their work.
5. The impartiality of staff responsible for inspection must be guaranteed. The remuneration for each agent must not depend on the number of inspections carried out nor on the results obtained.

Annex VI

6. The approved body must take out a third party insurance policy unless civil liability is covered by the state in accordance with national law.

7. The staff of the approved body shall be bound by professional secrecy regarding everything they learn in the exercise of their duties under this directive, under the implementing measures or under any other provision of national law giving effect to them.

EXPLANATORY MEMORANDUM

1. Products intended for the building industry which fall within the scope of the Council Directive of _____ on the approximation of the laws, regulations, and administrative provisions of the Member States relating to construction products comprise a very large and varied range of products in respect of which it is neither possible nor feasible to prepare a complete list.
2. Moreover, the effects of trade barriers differ in severity from product to product. Particularly in the case of certain heavy products, where long-distance transport costs are high compared with the unit price of the product, trade is still on a very limited scale.
3. Furthermore, there are a number of products for which the elimination of technical barriers would be a decisive step towards the achievement of a common market in the construction sector.
4. The Commission prepared a questionnaire in order to arrive at a list of these products. The answers from the government experts in the working party set up by the Commission, together with requests made by the industrial circles concerned, have provided a list of priority products to be adopted by means of implementing directives. It is this list which is the subject of the proposed Council Resolution.

5. The Commission's presentation of this proposal for a resolution is in line with the wishes expressed by the government experts in the working party. Since the scope of the Council Directive of relating to products intended for the building industry is very broad, the list of priority products makes it possible, in an initial phase, to define a clearer framework. This is all the more important since the outline directive lays down a procedure based on Article 155 of the Treaty, for the adoption of implementing directives by the Commission, assisted by a Committee.

6. While providing all the guarantees required by the Member States, this proposed Resolution also offers greater flexibility than the straightforward annexation of a list of priority products to the outline directive could do. Such a method would have restricted the present very general scope of the outline directive. Moreover, since the outline directive is a legal act which has to be incorporated into national law, revision of the list would have been a lengthy and complicated procedure, whereas this list does not in itself have any real legal implications.

7. It should be added that the list of priority products not only indicates the course which the Commission will follow but also will enable the Commission to embark upon this course in an orderly and rational manner through the establishment of a work timetable for dealing with the products on the list.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 78/ /EEC of on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products,

Whereas in view of the number and diversity of the products covered by this Directive, a list of priority products should be laid down for the implementing directives to be adopted;

Whereas, in the course of the preparation of these implementing directives, it may be necessary to amend or add to the list, in particular to take into account commitments entered into by the Representatives of the Governments of the Member States meeting in the Council as regards the status quo and notification to the Commission⁽¹⁾;

Whereas the application of these implementing directives must not prejudice the work in progress, in particular as regards cement, ceramic floor- and wall-tiles, flat glass and the fire behaviour of building materials and components,

Invites the Commission to give priority to the preparation and adoption of the implementing directives with a view to the elimination of technical barriers to trade in the construction products set out in the following list:

(1) OJ No C 76, 17.6.1969, p. 9.

LIST OF PRIORITY CONSTRUCTION PRODUCTS FOR THE ADOPTION OF IMPLEMENTING
DIRECTIVES

Products in which structural stability is a major requirement

- concrete wall components
- partitioning systems
- prestressing equipment and structures
- floor components
- beams and floor slabs
- construction systems for single-family dwellings

Wood products

- aggregate panels
- fibre board
- plywood panels
- windows
- doors
- roof joints
- laminated beams and structures

Plastic and synthetic products

- Membrane materials
- Materials for containers
- Synthetic strip and foil for roofing
- Sealing plastic strip and foil
- Plastic and synthetic floor coverings and wall claddings

Products for fitting out buildings

- sanitary equipment
- components for waste evacuation installations
- components for water supply installations
- pipes and valves
- flat glass (work in progress)
- ceramic tiles (work in progress)
- cement (work in progress)
- heat insulation materials
- mechanical fixing pins

Behaviour in fire of construction materials and components

- fire resistance of building components (work in progress)
- reaction of construction materials to fire (work in progress)
- toxicity of smoke and fumes (work in progress)

