►**B**

COMMISSION DECISION

of 24 October 1995

implementing Article 20 (2) of Council Directive 89/106/EEC on construction products

(Text with EEA relevance)

(95/467/EC)

(OJ L 268, 10.11.1995, p. 29)

Amended by:

	Official Journal		
	No	page	date
►**M1** Commission Decision 2001/596/EC of 8 January 2001	L 209	33	2.8.2001

▼B

COMMISSION DECISION

of 24 October 1995

implementing Article 20 (2) of Council Directive 89/106/EEC on construction products

(Text with EEA relevance)

(95/467/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 89/106/EEC of 21 December 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products [1], as amended by Directive 93/68/EEC [2], and in particular Article 13 thereof,

Whereas Article 13 (3) of Directive 89/106/EEC provides two different procedures for attestation of conformity for a product; whereas Article 13 (4) requires the choice of the procedure within the meaning of Article 13 (3) for a given product or family of products to be specified by the Commission, after consulting the Standing Committee on Construction;

Whereas this choise between the two procedures has to be specified according to the criteria laid down in Article 13 (4);

Whereas Article 13 (4) states that, in the case of each procedure, there is a requirement for the Commission to select the 'least onerous possible procedure consistent with safety'; this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to the satisfaction of the criteria laid down in Article 13 (4), the intervention of an approved certification body is required;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility without continuous surveillance, second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility with continous surveillance of point (ii) of Section 2 Annex III;

Whereas the Standing Committee for Construction was consulted, as required by Article 13 and according to the provisions of Article 20, and provided a favourable opinion on 27 September 1995,

---

[1] OJ No L 40, 11. 2. 1989, p. 12.
[2] OJ No L 220, 31. 8. 1993, p. 1.

▼B

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex 1 shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products set out in Annex 2 shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in the assessment and surveillance of the production control or of the product itself.

Article 3

The procedure for attesting conformity as per Annex 3 shall be given in mandates for harmonized standards.

Article 4

This Decision is addressed to the Member States.

▼B

ANNEX 1

— Chimneys, flues and specific products: chimney terminals.

— Gypsum products: plasterboards, blocks, ceiling elements and plasters, including the relevant ancillary products, different from those mentioned in Annex 2.

— Structural bearings: all types of structural bearings intended to be used in buildings and civil engineering works where requirements on individual bearings are not critical ([1]).

([1]) Not critical in the sense that those requirements may not, in case of failure of the bearing and under normal circumstances, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

▼B

ANNEX 2

— Chimneys, fuels and specific products: prefabricated chimneys (storey height elements), flue liners (elements or block), multi-shell chimney (elements or block), single walled chimneys blocks, kits of free standing chimneys and attached chimneys.

►**M1** — Plasterboards and ceiling elements with thin laminations, fibrous gypsum boards and composite panels, including relevant ancillary products, falling into classes A1 ([1]), A2 ([1]), B ([1]), C ([1]) and intended to be used in walls, ceilings (or linings thereof) subject to reaction to fire requirements. ◄

— Structural bearings: all types of structural bearings intended to be used in buildings and civil engineering works where requirements on individual bearings are critical ([2]).

([1]) Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

([2]) Critical in the sense that those requirements may, in case of failure of the bearing, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

▼B

ANNEX 3

PRODUCT FAMILY:

CHIMNEYS, FLUES AND SPECIFIC PRODUCTS (1/1)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, European Committee for Standardization, European Committee for Electrotechnical Standardization (CEN/Cenelec) are requested to speciy the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (Reaction to fire) (1)	Attestation of conformity system(s)
Prefabricated chimneys (storey height elements), flue liners (elements or blocks), multi-shell chimney (elements or blocks), single walled chimneys blocks, kits of free standing chimneys and attached chimneys	Chimneys	►**M1** Any ◄	2 + (2)
Chimney terminals	Chimneys	►**M1** Any ◄	4 (3)

(1) For reaction to fire, see ►**M1** Commission Decision 2000/147/EC (OJ L 50, 23.2.2000, p. 14) ◄.
(2) System 2 +: See Directive on construction products (CPD) Annex III.2.(ii), first possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval.
(3) System 4: CPD Annex III.2.(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY:

GYPSUM PRODUCTS (1/4)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (Reaction to fire of incorporated materials) (1)	Attestation of conformity system(s)
Plasterboards and ceiling elements with thin laminations, fibrous gypsum boards, and composite panels (laminates) in which the incorporated material is placed on a face susceptible to be exposed to fire, including relevant ancillary products	In walls, partitions or ceilings (or lining thereof) subject to reaction to fire requirements	►**M1** A1 (2), A2 (2), B (2), C (2) ◄ ►**M1** A1 (3), A2 (3), B (3), C (3), D, E ◄ ►**M1** (A1 to E) (7), F ◄	1 (4) 3 (5) 4 (6)

(1) For reaction to fire, see ►**M1** Commission Decision 2000/147/EC (OJ L 50, 23.2.2000, p. 14) ◄.
(2) ►**M1** Products/materials for which a clearly identifiable stage in the production process results in any improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material) ◄.
(3) ►**M1** Products/materials not covered by footnote (2) ◄.
(4) System 1: See CPD Annex III.2.(i), without audit-testing of samples.

▼B

(5) System 3: See CPD Annex III.2.(ii), Second possibility.
(6) System 4: See CPD Annex III.2.(ii), third possibility.
►M1 (7) Products/materials that do not require to be tested for reaction to fire (e.g. Products/materials of Classes A1 according to Commission Decision 96/603/EC). ◄

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY:

GYPSUM PRODUCTS (2/4)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (Resistance to fire)	Attestation of conformity system(s)
Plasterboards, blocks, ceiling elements and gypsum plasters, including relevant ancillary products	In walls, partitions or ceilings, as relevant, intended for fire protection of structural elements and/or fire compartmentation in buildings	Any	3 (1)

(1) System 3: See CPD, Annex III.2.(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY:

GYPSUM PRODUCTS (3/4)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Plasterboards, including relevant ancillary products	For stiffening timber-framed windloadbearing walls or timber roof struss structures	—	3 (1)

(1) System 3: See CPD Annex III.2.(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the

▼B

Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY:

GYPSUM PRODUCTS (4/4)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Plasterboards, blocks, ceiling elements and plasters, including relevant ancillary products	In walls, partitions or ceilings, as relevant, for situations and uses not mentioned in (1/4), (2/4) or (3/4)	—	4 ([1])

([1]) System 4: See CPD Annex III.2.(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY:

STRUCTURAL BEARINGS (1/1)

Systems of attestation of conformity

For the product(s) and intended use(s) listsed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Structural bearings	In buildings and civil engineering works where requirements on individual bearings are critical ([1])		1 ([3])
	In buildings and civil engineering works where requirements on individual bearings are not critical ([2])		3 ([4])

([1]) 'Critical' in the sense that those requirements may, in case of failure of the bearing, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.
([2]) 'Not critical' in the sense that those requirements may not, in case of failure of the bearing and under normal circumstances, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.
([3]) System 1: See CPD Annex III.2.(i), without audit-testing of samples.
([4]) System 3: See CPD Annex III.2.(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic

▼B

must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.