

COMMISSION

COMMISSION DECISION

of 14 July 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards cements, building limes and other hydraulic binders

(Text with EEA relevance)

(97/555/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of 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 (4) thereof,

Whereas the Commission is required to select, as between the two procedures under Article 13 (3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas 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 a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13 (4), the intervention of an approved certification body is therefore 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 provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore 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 Article 13 (3) (a) corresponds to the systems set out in the first possibility,

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

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I 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 II 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 assessment and surveillance of the production or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonized standards.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1997.

For the Commission
Martin BANGEMANN
Member of the Commission

*ANNEX I***Building limes, including:**

Calcium limes,
Dolomitic limes, and
Hydraulic limes.

*ANNEX II***Common cements, including:**

Portland cements,

Portland composite cements: (Portland-slag cements: A-S and B-S; Portland-silica fume cements: A-D; Portland-pozzolana cements: natural A-P, natural B-P, artificial A-Q and artificial B-Q; Portland-fly ash cements: siliceous A-V, siliceous B-V, calcareous A-W and calcareous B-W; Portland-burnt shale cements: A-T and B-T; Portland-limestone cements: A-L and B-L; Portland-composite cements: A-M and B-M),

Blastfurnace cements: A, B and C,

Pozzolanic cements: A and B, and

Composite cements: A and B.

Special cements, including:

Low heat cements,

Sulfate resisting cements,

White cements,

Sea water resisting cements, and

Low alkali cements.

Calcium aluminate cements

Masonry cements

Hydraulic road binders

ANNEX III

PRODUCT FAMILY

CEMENTS, BUILDING LIMES AND OTHER HYDRAULIC BINDERS

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)
Common cements, including: — Portland cement. — Portland composite cements: Portland-slag cement Portland-silica fume cement Portland-pozzolana cement Portland-fly ash cement Portland-burnt shale cement Portland-limestone cement Portland composite cement — Blastfurnace cements — Pozzolan cements — Composite cements	Preparation of concrete, mortar, grout and other mixes for construction and for the manufacture of construction products	—	1 +
Special cements, including: — Low heat cements — Sulfate resisting cement — White cement — Sea water resisting cement — Low alkali cement		—	1 +
Calcium aluminate cements		—	1 +
Masonry cements		—	1 +
Building limes, including: — Calcium limes — Dolomitic limes — Hydraulic limes		—	2
Hydraulic road binders		Preparation of concrete, mortar, grout and other mixes for road bases stabilisation	—

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- System 1+: See Annex III Section 2 (i) of Directive 89/106/EEC, with audit-testing of samples taken at the factory
- System 2: See Annex III Section 2 (ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control (without continuous surveillance, assessment and approval of factory production control)
- System 2+: See Annex III Section 2 (ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of factory production control
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The specification of 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 Directive 89/106/EEC 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.
