

COMMISSION DECISION

of 9 April 2003

on the publication of the reference of standards relating to thermal insulation products, geotextiles, fixed fire-fighting equipment and gypsum blocks in accordance with Council Directive 89/106/EEC

(notified under document number C(2003) 1161)

(Text with EEA relevance)

(2003/312/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 the laws of the Member States relating to construction products ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾ and in particular Article 5(1) thereof,

Having regard to the opinion of the Standing Committee set up in accordance with Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽³⁾, as amended by Directive 98/48/EC ⁽⁴⁾,

Whereas:

- (1) Article 2 of Directive 89/106/EEC stipulates that Member States shall take all necessary measures to ensure that construction products may be placed on the market only if the works in which they are to be incorporated fulfil the essential requirements referred to in Article 3 of that Directive.
- (2) Under Article 4(2) of Directive 89/106/EEC, construction products are presumed to be fit for use and allow the works in which they are employed to satisfy the essential requirements referred to in Article 3 of that Directive, if they conform to the national standards applicable to them transposing the harmonised standards, the references of which have been published in the *Official Journal of the European Communities*.
- (3) Member States are required to publish the reference numbers of national standards transposing harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Communities*.
- (4) Pursuant to Article 5(1) of Directive 89/106/EEC, Germany raised a formal objection in respect of certain harmonised standards on the grounds that they do not permit the works in which the products are installed to fully satisfy the essential requirements of Directive 89/

106/EEC. The standards concerned are ten harmonised standards for thermal insulation products, adopted by the European Committee for Standardisation (CEN) on 23 May 2001, the reference numbers of which were published in the *Official Journal of the European Communities (OJEC)* of 15 December 2001 ⁽⁵⁾; nine geotextiles standards adopted by the CEN on 13 December 2000, the reference numbers of which were published in the *(OJEC)* of 26 June 2001 ⁽⁶⁾; ten fixed fire-fighting equipment standards adopted by the CEN on 13 December 2000, 21 March 2001 and 11 April 2001, the reference numbers of which were published in the *OJEC* of 18 July 2001 ⁽⁷⁾, 15 December 2001 and 14 February 2002 ⁽⁸⁾; and harmonised standard EN12859: 2001 'Gypsum blocks — definitions, requirements and test methods', adopted by the CEN on 13 June 2001, the reference number of which was published in the *(OJEC)* of 15 December 2001.

- (5) The information received in the course of the consultations with the CEN and the national authorities in the Committee set up by Directive 89/106/EEC, and with the Committee set up by Directive 98/34/EC, has disclosed no evidence of the risk alleged by Germany.
- (6) Consequently, it has not been demonstrated that the 30 harmonised standards contested, fail to allow the works in which the products are installed to meet the essential requirements of Directive 89/106/EEC.
- (7) It is therefore not necessary to withdraw the references to those standards,

HAS ADOPTED THIS DECISION:

Article 1

The references to ten thermal insulation standards, set out in Table 1 of the Annex, adopted by the European Committee for Standardisation (CEN) on 23 May 2001 and published for the first time in the *Official Journal of the European Communities* of 15 December 2001, shall not be withdrawn from the list of standards published in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.⁽²⁾ OJ L 220, 30.8.1993, p. 1.⁽³⁾ OJ L 204, 21.7.1998, p. 37.⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.⁽⁵⁾ OJ C 358, 15.12.2001, p. 9.⁽⁶⁾ OJ C 180, 26.6.2001, p. 8.⁽⁷⁾ OJ C 202, 18.7.2001, p. 9.⁽⁸⁾ OJ C 40, 14.2.2002, p. 3.

Article 2

The references to nine geotextiles standards, set out in Table 2 of the Annex, adopted by the CEN on 13 December 2000 and published for the first time in the *Official Journal of the European Communities* of 26 June 2001, shall not be withdrawn from the list of standards published in the *Official Journal of the European Communities*.

Article 3

The references to ten fixed fire-fighting standards, set out in Table 3 of the Annex, adopted by the CEN on 13 December 2000, 21 March 2001 and 11 April 2001 and published for the first time in the *Official Journal of the European Communities* of 18 July 2001, 15 December 2001 and 14 February 2002, shall not be withdrawn from the list of standards published in the *Official Journal of the European Communities*.

Article 4

The reference of standard EN12859: 2001 'Gypsum blocks — definitions, requirements and test methods', adopted by CEN on 13 June 2001 and published for the first time in the *Official Journal of the European Communities* of 15 December 2001, shall not be withdrawn from the list of standards published in the *Official Journal of the European Communities*.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 April 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

TABLE 1

Publication of titles and references of harmonised standards for thermal insulation products referred to in Article 1

ESO	Reference	Title of harmonised standard	Year of ratification	OJ reference
CEN	EN 13162:2001	Thermal insulation products for buildings — factory made mineral wool (MW) products — specifications	2001	C 358 15.12.2001
CEN	EN 13163:2001	Factory made products of expanded polystyrene (EPS) — specifications	2001	C 358 15.12.2001
CEN	EN 13164:2001	Factory made products of extruded polystyrene foam (XPS) — specifications	2001	C 358 15.12.2001
CEN	EN 13165:2001	Factory made rigid polyurethane foam (PUR) products — specifications	2001	C 358 15.12.2001
CEN	EN 13166:2001	Factory made products of phenolic foam (PF) — specifications	2001	C 358 15.12.2001
CEN	EN 13167:2001	Factory made cellular glass (CG) products — specifications	2001	C 358 15.12.2001
CEN	EN 13168:2001	Factory made wood wool (WW) products — specifications	2001	C 358 15.12.2001
CEN	EN 13169:2001	Factory made products of expanded perlite (EPB) — specifications	2001	C 358 15.12.2001
CEN	EN 13170:2001	Factory made products of expanded cork (ICB) — specifications	2001	C 358 15.12.2001
CEN	EN 13171:2001	Factory made wood fibre products — specifications	2001	C 358 15.12.2001

TABLE 2

Publication of titles and references of harmonised standards for geotextiles products referred to in Article 2

ESO	Reference	Title of harmonised standard	Year of ratification	OJ reference
CEN	EN 13249:2000	Geotextiles/geotextile-related products — required characteristics for use in the construction of roads and other trafficked areas	2000	C 180 26.6.2001
CEN	EN 13251:2000	Geotextiles/geotextile-related products — required characteristics for use in earthworks, foundations and retaining structures	2000	C 180 26.6.2001

ESO	Reference	Title of harmonised standard	Year of ratification	OJ reference
CEN	EN 13252:2000	Geotextiles/geotextile-related products — required characteristics for use in drainage systems	2000	C 180 26.6.2001
CEN	EN 13253:2000	Geotextiles/geotextile-related products — required characteristics for use in external erosion control systems	2000	C 180 26.6.2001
CEN	EN 13254:2000	Geotextiles/geotextile-related products — required characteristics for use in the construction of reservoirs and dams	2000	C 180 26.6.2001
CEN	EN 13255:2000	Geotextiles/geotextile-related products — required characteristics for use in the construction of canals	2000	C 180 26.6.2001
CEN	EN 13256:2000	Geotextiles/geotextile-related products — required characteristics for use in the construction of tunnels and structures underground	2000	C 180 26.6.2001
CEN	EN 13257:2000	Geotextiles/geotextile-related products — required characteristics for use in solid waste disposals	2000	C 180 26.6.2001
CEN	EN 13265:2000	Geotextiles/geotextile-related products — required characteristics for use in liquid waste containment projects	2000	C 180 26.6.2001

TABLE 3

Publication of titles and references of harmonised standards for fixed fire-fighting products referred to in Article 3

ESO	Reference	Title of harmonised standard	Year of ratification	OJ reference
CEN	EN 671-1:2001	Fixed fire fighting systems — hose systems Part 1: hose reels with semi-rigid hose	2001	C 202 18.7.2001
CEN	EN 671-2:2001	Fixed fire fighting systems — hose systems Part 2: hose systems with lay-flat hose	2001	C 202 18.7.2001
CEN	EN 12094-5:2000	Fixed fire fighting systems — components for gas extinguishing systems: Requirements and test methods for high and low pressure selector valves and their actuators for CO ₂ systems	2000	C 202 18.7.2001
CEN	EN 12094-6:2000	Fixed fire fighting systems — components for gas extinguishing systems: Requirements and test methods for non-electrical disable devices for CO ₂ systems	2000	C 202 18.7.2001
CEN	EN 12094-7:2000	Fixed fire fighting systems — components for gas extinguishing systems: Requirements and test methods for nozzles for CO ₂ systems	2000	C 202 18.7.2001
CEN	EN 12416-1:2001	Fixed fire fighting systems — powder systems Part 1: Specifications and test methods for system and components	2001	C 40 14.2.2002

ESO	Reference	Title of harmonised standard	Year of ratification	OJ reference
CEN	EN 12094-13:2001	Fixed fire fighting systems — components for gas extinguishing systems — Pt 13 Requirements and test methods for check valves and non-return valves	2001	C 202 18.7.2001
CEN	EN 12259-2:1999/A1:2001	Fixed fire fighting systems — sprinkler/waterspray systems — Wet alarm valves	2001	C 358 15.12.2001
CEN	EN 12259-3:2000/A1:2001	Fixed fire fighting systems — sprinkler/waterspray systems — Dry alarm valves	2001	C 358 15.12.2001
CEN	EN 12259-4:2000/prA1	Fixed fire fighting systems — sprinkler/waterspray systems — Water motor alarms	2001	C 358 15.12.2001
CEN	EN 12859:2001	Gypsum blocks — definitions, requirements and test methods	2001	C 358 15.12.2001