COMMISSION DECISION

of 9 March 1998

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards structural metallic products and ancillaries

(Text with EEA relevance)

(98/214/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 point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the 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 continuous surveillance, of point (ii) of section 2 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 set out in Annex I 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 control or of the product itself.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 March 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

[1] OJ L 40, 11. 2. 1989, p. 12.
[2] OJ L 220, 30. 8. 1993, p. 1.

ANNEX I

Structural metallic sections/profiles

Hot rolled, cold formed or otherwise produced sections/profiles with various shapes (T, L, H, U, Z, I, channels, angle, hollow, tubes), flat products (plate, sheet, strip), bars, castings, forgings made of various metallic materials, unprotected or protected against corrosion by coating.

Structural metallic construction members

Finished metallic products such as metal framing for suspended ceilings (heavy duty), trusses, girders, columns, stairs, ground piles, bearing piles and sheet piling, cut to size sections designed for certain applications, and rails and sleepers.

They can be unprotected or protected against corrosion by coating, welded or not.

Welding materials

Structural connectors

Metallic rivets, bolts (nuts and washers) and H. R. bolts (high strength friction grip bolts), studs, screws, railway fasteners.

ANNEX II

PRODUCT FAMILY

STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES (1/4)

1. **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 harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Structural metallic sections/profiles **Hot rolled, cold formed or otherwise produced sections/profiles with various shapes (T, L, H, U, Z, I, channels, angle, hollow, tubes), flat products (plate, sheet, strip), bars, castings, forgings made of various metallic materials, unprotected or protected against corrosion by coating**	to be used in metal structures or in composite metal and concrete structures		2+ (1)

(1) System 2+: See Annex III(2)(ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval

2. **Conditions to be applied by CEN on the specifications of the attestation of conformity system**

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 METALLIC PRODUCTS AND ANCILLARIES (2/4)

1. **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 harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Structural metallic construction members **Finished metallic products such as trusses, girders, columns, stairs, ground piles, bearing piles and sheet piling, cut to size sections designed for certain applications, and rails and sleepers.** **They can be unprotected or protected against corrosion by coating, welded or not.**	for uses in work's frames and foundations	—	2+ (1)
Structural metallic construction members **Finished metal framing for suspended ceilings (heavy duty).**	for uses in work's frames	(A, B, C) (2)	1 (3)
They can be unprotected or protected against corrosion by coating, welded or not.		(A, B, C) (4), D, E, F, A (5)	2+ (1)

(1) System 2+: See Annex III(2)(ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval

(2) Materials for which the reaction to fire performance is susceptible to change during production (In general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance)

(3) System 1: See CPD Annex III(2)(ii), without audit-testing of samples

(4) Materials for which the reaction to fire performance is not susceptible to change during the production process

(5) Materials of class A that according to the Decision 96/603/EC do not require to be tested for reaction to fire.

2. **Conditions to be applied by CEN on the specifications of the attestation of conformity system**

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 METALLIC PRODUCTS AND ANCILLARIES (3/4)

1. **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 harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Welding materials	for uses in structural metallic works		2+ (1)

(1) System 2+: See Annex III(2)(ii) of Directive 89/106/EEC, First possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval

2. **Conditions to be applied by CEN on the specifications of the attestation of conformity system**

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 METALLIC PRODUCTS AND ANCILLARIES (4/4)

1. **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 harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Structural connectors **metallic rivets, bolts (nuts and washers) and H. R. bolts (high strength friction grip bolts), studs, screws, railway fasteners**	for uses in structural metallic works		2+ (1)

(1) System 2+: See Annex III(2)(ii) of Directive 89/106/EEC, First possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval

2. **Conditions to be applied by CEN on the specifications of the attestation of conformity system**

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.