

European Organisation for Technical Approvals
Europäische Organisation für Technische Zulassungen
Organisation Européenne pour l'Agrément Technique

CONSTRUCT 10/888

STATE OF PLAY No 27 OF WORK IN RELATION TO EUROPEAN TECHNICAL APPROVALS Situation 08/02/2011

Executive summary

- 2264 ETAs have now been issued, renewals not included
 - o 1854 following one of the 27 already endorsed ETAGs
 - o 410 following the 384 green lights for Article 9.2 procedures
- Some 391 draft ETAs and renewals are at present in issuing process.
- Considerable efforts have been spent in trying to finalise as much and fast as possible new ETAGs and Progress Files, as will be noted from the detailed report below.
- New EOTA requests continue to be handled substantially faster internally in EOTA and at EC level, but delays still occur due to slow CEN consultation
- As announced in the previous report to the SCC, EOTA performed during 2010 a “satisfaction” enquiry amongst the more than 1000 ETA holders. The enquiry showed that:
 - A significant proportion of ETA holders were SMEs
 - ETA holders were active in both the EU and global markets
 - ETA holders use both the CE mark and the ETA itself to reassure potential customers
 - The content of the ETA was generally considered adequate
 - Long timescales and to a lesser extent cost were considered problem areas
 - There is a lack of awareness and understanding of the meaning of CE marking
 - Complaints of some ETA holders, facing additional requirements, imposed to their products by private and/or public bodies in certain countries, despite having an ETA and CE marking.

More detailed results will soon be made available at the EOTA website

- Concerns are raised at EOTA level regarding the possible transfer of ETAGs into mandates for hENs, not respecting the procedures previously agreed at SCC level and without consultation of all players involved (see further Annex to this report) in particular on the technical assessment elements of the standardisation feasibility.
- No new financial EC support for work already engaged since 2007 has been made possible by the EC services. This affects not only the draft of some Progress Files to ETAGs but also important horizontal harmonisation efforts (e.g. in the acoustic area and for the assessment of dangerous substances, in complementarity to the related CEN activities) and even areas for which the SCC asked EOTA to develop harmonisation efforts (e.g. validation of horizontal assessment method(s) of the façade fire risks for products covered by ETAGs).

1. REQUESTS

So far EOTA has introduced 534 requests to the EC services under the form of 89 request Lists.

It concerns product areas for which the EC is invited to indicate or confirm, in conformity with the principles of Article 8 of the CPD, whether or not these areas are suitable for ETAs.

Those areas regroup more than 2500 industry interests.

54 have meanwhile been withdrawn by the manufacturers themselves or combined with others and for 51 others the EC services indicated that they were not suitable for ETAs (covered by CEN, suitable for List of Art. 4.5 of the CPD or products not considered as covered by the CPD). The remaining 429 areas are still considered activated.

New areas are under development and will soon be presented to CEN and SCC consultation and EC endorsement or to the EC services for confirmation, as appropriate, using the set of renewed EOTA request formats, better adjusted to suit the exact provisions of the CPD and the EC Decision on the Common Procedural Rules for the granting and issuing of ETAs.

2. ETAGs

Of the 429 active areas, 36 items have been introduced into the process for an ETAG, mandating included. EOTA received the final mandates for all these subjects and all related AoC decisions have now been published.

All answers to these mandates have been sent, as final workprogrammes, to the EC services for their endorsement:

- for Anchors, the EC services have sent the amended mandate for drafting the amendment to ETAG 001 to EOTA on 03/06/2009; the related workprogramme has been endorsed by EOTA and sent to the EC services on 12/02/2010; it was endorsed by the EC services on 27/04/2010;
- for ETICS, the EC services have also sent the amended mandate for drafting a further amendment to ETAG 004 to EOTA; the related workprogramme has been endorsed by the EOTA TB and was sent to the EC services on 29/01/2010; it was endorsed by the EC services on 18/06/2010;
- for the ETAG 015 on Three-dimensional nailing plates, an amended mandate was sent to EOTA on 04/10/2010;
- for the mandate on Pins for structural joints, now called Dowels, a first workprogramme had been sent in 2003; an amended version has been sent on 08/09/2006. EC comments have been received on 26/01/2009 and sent to the WG for further handling. An amended version was endorsed by the EOTA TB and sent to the EC services on 17/11/2010 and endorsed by them on 28/01/2011.

Since the latest status report to the SCC meeting in January 2010, the following ETAGs or Parts have been endorsed by the EC services after SCC consultation:

- ETAG 029, Metal injection anchors for use in masonry: endorsed at EOTA level and sent to the EC services on 25/03/2007; EC comments received and handled by the WG; new version endorsed by EOTA and sent to the EC services on 11/10/2007 for SCC consultation; put in SCC consultation till 05/01/2009. MS and further EC comments received on 25/09/2009 and handled by the relevant WG; comments handling and new version of the ETAG endorsed by EOTA on 15/03/2010 and sent to the EC services on 26/03/2010; endorsed by the EC services on 16/06/2010;
- ETAG 031, Inverted roof insulation kits, Part 1 (General): endorsed at EOTA level and sent to the EC services on 25/03/2007; EC comments received on 19/06/2007 and sent to the WG for handling; new version endorsed by EOTA and sent to the EC services on 20/11/2007 for SCC consultation; put in SCC consultation till 05/01/2009. MS and EC comments received on 15/06/2009; additional comments received from the EC consultant on 23/06/2010 on a new version; final new version sent to the EC services on 08/11/2010 and 23/11/2010; endorsed by the EC services on 14/12/2010;
- ETAG 031, Inverted roof insulation kits, Part 2 (Insulation with protective finishing): endorsed at EOTA level and sent to the EC services on 19/07/2007; EC comments received on 26/07/2007 and on 14/09/2007; comments handled by the WG; new version endorsed by EOTA and sent to the EC services on 20/11/2007 for SCC consultation; put in SCC consultation till 05/01/2009. MS and EC comments received on 15/06/2009 and handled by the relevant WG; additional comments received from EC consultant on new version on 15/06/2010; final new version endorsed by EOTA sent to the EC services on 08 and 23/11/2010; endorsed by the EC services on 14/12/2010;
- ETAG 033, Liquid applied bridgedeck waterproofing kits: endorsed at EOTA level and sent to the EC services on 27/03/2008; put in SCC consultation on 02/07/2008 till 29/08/2008; MS reactions received by EC mail of 07/11/2008 and sent to the convenor for urgent handling by their WG (prepare a CHD). WG CHD sent to ExCom and TB for comments till 11/02/2009. Sent to EC on 24/02/09 for final endorsement. New EC comments received on 12/10/2009 and sent to the WG for further handling; amended version endorsed by EOTA on 22/06/2010 and

sent to the EC services on 06/07/2010; endorsed by the EC services on 16/09/2010.

Since the latest status report to the SCC meeting in January 2010, the following ETAGs or Parts have not yet been endorsed by the EC services or handled further, although finalised at EOTA level and sent to the EC for final endorsement:

- ETAG 022, Watertight covering kits for wet room walls and or floors, Part 2 (Flexible sheets); sent to the EC services on 07/12/2006: comments received from the EC services by letter of 12/02/2007 and handled by the relevant EOTA WG; new version sent to the EC services for possible SCC consultation on 11/04/2007; new cover page sent on 11/05/2007; Put in SCC consultation on 05/11/2008 with comments deadline 05/01/2009; MS comments and further EC comments have been received on 26/08/2009; new draft worked out by the WG endorsed at EOTA ExCom on 22/06/2010; additional comments received from the EC consultant on 15/06/2010; new amended draft endorsed at EOTA TB in October 2010 and at ExCom in November 2010 and sent to the EC services for final endorsement on 08 and 24/11/2010;
- ETAG 022, Watertight covering kits for wet room walls and or floors, Part 3 (Inherently watertight boards); sent to the EC services on 27/03/2008; put in MS consultation on 02/07/08 till 29/08/2008; MS reactions received by EC mail of 07/11/2008 and sent to the convenors for urgent handling by their WG (prepare a CHD). WG CHD sent to ExCom and TB for comments till 15/01/2009. Sent to EC on 24/02/09 for final endorsement. New EC comments received on 26/08/2009; new draft worked out by the WG endorsed at EOTA ExCom on 22/06/2010; additional comments received from the EC consultant on 15/06/2010; new amended draft endorsed at EOTA TB in October 2010 and at ExCom in November 2010 and sent to the EC services for final endorsement on 08 and 24/11/2010;
- ETAG 035, Ultra thin layer Asphalt Concrete: endorsed by the ExCom in written procedure (deadline 19/07/2008); sent to the EC services on 04/08/2008 for SCC consultation; put in SCC consultation till 05/01/2009. MS comments received on 25/09/2009; new version of the ETAG endorsed at TB at 06-07/10/2010 and by ExCom in written procedure; sent to the EC services for final endorsement at 08/11/2010.

The following ETAGs or Parts thereof have been handled a first time at EC services with SCC consultation and are now in the process to be amended at EOTA level, following the comments received from MSs and the EC services:

- ETAG 026, Fire stopping and fire sealing products, Part 4 (Reactive and mechanical air transfer grilles): sent to the EC services on 04/08/2008; put in SCC consultation till 05/01/09; SCC and New EC comments received on 02/10/2009; comment handled by the WG; amended version sent to the TB enquiry till 16/01/2010; comments now to be handled by the relevant EOTA WG;
- ETAG 028, Fire retardant products: endorsed at EOTA level (ExCom) on 14 -15/03/2007; sent to the EC services on 25/03/2007; EC comments received on 19/06/2007; handled by the WG; new version endorsed by EOTA and sent to the EC services on 09/11/2007 for SCC consultation; put in SCC consultation on 02/07/08 till 29/08/08; MS reactions received by EC mail of 07/11/2008 and sent to the convenors for urgent handling by their WG (prepare a CHD). WG CHD sent to ExCom and TB for comments till 15/01/2009. Sent to EC on 24/02/09 for final endorsement. New EC comments received on 05/10/2009 and handled by the relevant EOTA WG; now ready for TB endorsement;
- ETAG 034, Kits for External Wall Claddings, Part 1: Ventilated Cladding Elements and Associated Fixing Devices and Part 2: Cladding Elements, Associated Fixing Devices, Subframe and possible Insulation layer: ETAG Parts endorsed by ExCom in written procedure (deadline 27/03/2008); sent to the EC on 11/04/2008; put in SCC consultation on 02/07/2008 till 29/08/2008; MS reactions received by EC mail of 07/11/2008 and sent to the convenor for urgent handling by its WG (prepare a CHD). CHD drafted and sent to parallel TB/ExCom enquiry on 15/04/2009, commenting deadline 15/05/2009. Endorsed at EOTA level and sent to EC services on 25/05/2009 for final EC endorsement. New EC comments received on 27/08/2009 and sent to the WG for further handling; new amended version endorsed by TB on 03-04/06/2010 and by ExCom on 22/06/2010; additional comments received from EC consultant on 10/06/2010; new version worked out for TB consultation till 01/02/2010.

Annex 1 to the present report indicates the main steps achieved or to be achieved for each of the ETAGs or Parts thereof.

Annex 3 to the present report indicates the steps related to the Commission Decisions of the relevant AoC procedure for ETAGs, as far as known to EOTA.

It should be noted that EOTA continues to put the English reference version of all endorsed ETAGs on its website (www.eota.eu), with a free consultation to the user (pdf format). Links with the websites of those EOTA members, storing their own language version(s) of these ETAGs, are operational (e.g. for French, German, Polish, Slovak or Czech versions).

According to the procedural handling of Progress Files (amendments to ETAGs), clearly fixed by the endorsed document CONSTRUCT 02/585Rev2, the following progress should be reported:

- Amendment of ETAG 001, Metal Anchors for use in Concrete, Annex C: Endorsed by ExCom in written consultation (deadline 13/03/2008); sent to the EC services for SCC consultation on 11/04/2008; put in SCC consultation on 02/07/2008 till 29/08/2008; MS reactions received by EC mail of 07/11/2008 and sent to the convenor for urgent handling by its WG (prepare a CHD). WG CHD sent to ExCom and TB for comments till 12/02/2009. Sent to EC on 24/02/09 for final EC endorsement; MS/EC comments received on 02/03/2010; amended draft endorsed at TB meeting of 03-04/06/2010. Late EC consultant comments received on 09/07/2010. Final amended version sent on 04/08/2010 to the EC services for endorsement; endorsed by the EC services on 17/09/2010;
- Amendment of ETAG 001, Metal Anchors for use in Concrete, Part 3 - Undercut anchors - and Part 6 - Anchors for non-structural applications: Endorsed at EOTA level and sent to the EC services on 04/12/08; put in MS consultation till 02/03/2009; MS comments received on 02/03/2010; new amended version endorsed by TB on 03-04/06/2010; late EC consultant comments received and handled at all EOTA levels on 09/07/2010; final amended version sent to the EC services for final endorsement on 04/08/2010; endorsed by the EC services on 17/09/2010;
- Amendment of ETAG 002, Structural Sealant Glazing Systems: sent to the EC services on 15/02/2006 for SCC consultation; Member States comments received on 23/06/2006; consensus found between EOTA members on handling and amended draft sent to EC for final endorsement on 30/07/2009 and 28/08/2009; additional EC comments received on 22/01/2010 and additional EC consultant comments received on 08/06/2010 for handling by the EOTA WG;
- Amendment of ETAG 003, Internal Partition Kits: sent to the EC services on 15/02/2006 for SCC consultation; Member States comments received on 23/06/2006; amendment in progress awaiting input on handling of dangerous substances;
- Amendment of ETAG 004, External Thermal Insulation Composite Systems: Endorsed by the ExCom in written consultation (deadline 16/05/2008); sent to the EC services on 17/06/2008 and put in SCC consultation till 05/01/2009; MS comments received on 16/06/2010, now handled by the WG;
- Amendment of ETAG 006, Systems of mechanically fastened flexible roof waterproofing membranes: endorsed by EOTA and sent to the EC services on 19/07/2007 for SCC consultation; put in SCC consultation till 05/01/2009; MS comments received on 04/05/2010 and sent to the WG for possible further handling;
- Amendment of ETAG 007 and 012, regrouped as Timber building kits: Endorsed by ExCom in written procedure and sent to the EC for SCC consultation on 18/01/2010. EC comments received on 17/02/2010; new amended version of the Progress File endorsed by TB and later by ExCom on 13/10/2010; sent to the EC services for final endorsement on 08/11/2010; additional information sent on 13/12/2010 to the EC services upon their demand of 01/12/2010;
- Amendment of ETAG 013, Post-tensioning kits for the prestressing of structures: first Progress file endorsed by ExCom in written procedure (deadline 09/12/2010); sent on 08/11/2010 to the EC services for endorsement after SCC consultation;
- Amendment of ETAG 014, Plastic anchors for fixing ETICS: Endorsed by ExCom in written procedure and sent to the EC on 04/12/2008. Put in SCC consultation till 02/03/2009. MS comments received on 25/01/2010 and sent to the WG for possible further handling; new amended Progress file endorsed by TB on 03-04/06/2010 and later by ExCom on 22/06/2010; additional comments received from the EC consultant on 16/06/2010, handled by the WG; new version endorsed by the TB on 06-07/10/2010 and by ExCom in written procedure; sent to the EC services for final endorsement on 08/11/2010;
- Amendment of ETAG 018, Fire Protective Products, Part 3: Rendering and rendering kits: Endorsed by ExCom in written procedure and sent to the EC services on 29/01/2010; EC comment received on 26/03/2010; handled by the EOTA WG and ready for TB consultation;
- Amendment of ETAG 018, Fire Protective Products, Part 4: sent to the EC services on 15/02/2006 for SCC consultation; Member States comments received on 23/06/2006; meanwhile a second amendment has been worked out at EOTA level; a new version combining both amendments has been endorsed at EOTA level and sent to the EC services on 18/12/2006 and put in SCC consultation on 27/02/2007; comments received from UK and Finland by EC letter of 30/04/2007 and have been sent to the WG for handling; new version endorsed by EOTA on 04/01/08 and sent to the EC services on 24/01/08; put in SCC consultation on 02/07/2008 till 29/08/2008; MS reactions received by EC mail of 07/11/2008 and sent to the convenor for handling by its WG (prepare a CHD). CHD finalized by the WG and sent to parallel TB/ExCom enquiry on 04/05/2009 with commenting deadline 25/05/09. Sent to EC services on 26/05/09 for final EC endorsement; EC comments received on 26/03/2010 and sent to the EOTA WG for further handling.

Further Progress Files have been initiated for the ETAGs on Metal Anchors for use in Concrete (following the received amendment to the mandate), ETICS (2nd Progress File, also following an amendment to the mandate), Cold storage building kits, Prefabricated stair kits, Three-dimensional nailing plates (following amendment of the mandate), Post-tensioning kits (2nd Progress File) and Fire sealing, Fire stopping and Fire protective products.

Regarding the progress file for the ETAG 026, Part 5 (Fire sealing and stopping products – cavity barriers), it should be noted that the finalisation of this ETAG at EOTA level still depends from the necessary amendment of the Commission Decision 2000/367/EC, amended by Decision 2003/629/EC (see CONSTRUCT 09/846), amendment presented earlier to the SCC and agreed upon but still not published by the EC services.

3. ETAs ACCORDING TO THE PROCEDURE OF ART. 9.2 OF THE CPD

So far the EC services have given to EOTA a green light for 384 Art. 9.2 procedures after the SCC consultation required by the articles 8.2a or 8.3 of the CPD or have confirmed the EOTA proposal for application of article 8.2b as required by the CPR.

The progress on these items is listed in Annex 2. 196 CUAPs or their amendments have already been endorsed and finalised, whilst others are in finalisation stage. As can be seen on the EOTA website, 410 ETAs have been issued as a result of this procedure (situation 01/02/2011) and others will follow soon. It should also be recorded that 56 items have meanwhile been withdrawn by the manufacturer introducing the request.

The relevant A/C decisions for these items have been indicated by the EC services.

4. EOTA REQUESTS in PROGRESS

In total 18 EOTA Requests are at present (08/02/2011) in progress at EC and/or CEN level, awaiting a clear decision from the EC whether they should be covered by EOTA or by CEN and whether it concerns ETAs with or without Guideline. Most of those introduced by EOTA in application of article 8.2a or 8.3 have been or are presented for SCC consultation in writing, through the special CIRCA site for EOTA requests. Those in application of article 8.2b are awaiting confirmation from the EC services. For some others EOTA was requested to send additional clarifications to the EC services.

The final result (EC decision or confirmation) will, as in the past, be found on the CIRCA site for EOTA requests, section “external consultation”, subpart “finalised subjects”, and is usually confirmed by an EC letter to EOTA.

5. ISSUED ETAs

Following the previous described activities, 1854 ETAs and 1169 amendments/revisions/renewals to ETAs had been issued till 01/02/2010: 656 in the sector of the ETAG “Metal Anchors for Use in Concrete” according to ETAG 001, 37 in the sector of the ETAG 002 “Structural Sealant Glazing Systems”, 37 in the sector of the ETAG 003 “Internal Partition Kits”, 520 in the sector of ETAG 004 “ETICS”, 120 in the area of ETAG 005 “Liquid Applied Waterproofing Systems for Roofs”, 57 in the area of ETAG 006 “Mechanically fastened waterproofing membranes”, 27 in the sector of ETAG 007 “Timber Frame Building Kits”, 34 in the sector of ETAG 008 “Prefabricated Stair Kits”, 28 in the sector of ETAG 009 “Shuttering hollow blocks”, 1 in the sector of ETAG 010 “Translucent roof kits”, 19 in the sector of ETAG 011 “Light Composite Wood-based Beams”, 9 in the sector of ETAG 012 “Log Building Kits”, 40 in the area of ETAG 013 “Post tensioning Systems”, 60 in the sector of the ETAG 014 “Plastic Anchors for use in ETICS”, 105 in the sector of ETAG 015 “Three-dimensional Nailing Plates”, 7 in the sector of ETAG 016 “Light weight panels”, 3 in the sector of ETAG 017 “Vetures kits”, 26 in the sector of ETAG 018 “Fire Protective Products”, 3 in the sector of ETAG 019 “Stressed Skin Panels”, 12 in the sector of ETAG 020 “Plastic anchors”, 4 in the sector of ETAG 021 “Kits for prefabricated cold storage building kits”, 17 in the sector of ETAG 022 “Watertight coverings for bathroom walls and kits”, 6 in the sector of ETAG 023 “Prefabricated Building units”, 1 in the sector of ETAG 025 “Metal frame building kits”, 15 in the sector of ETAG 026 “Fire Stopping and Fire Sealing products” and 10 in the sector of ETAG 027 “Falling rock protection kits”.

Four hundred and ten ETAs have been issued according to the 9.2 procedure.
(see for up-to-date situation on all valid ETAs : website of EOTA: www.eota.eu)

More than 391 draft ETAs or amendments/revisions/renewals are in the process of being issued, the two months EOTA commenting period, according to Article 3.2.5 of the EOTA Common Procedural Rules, being running or finalised. The table below shows the geographical repartition of the ETAs issued so far (without renewals).

| ABs from Country | Till 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|------------------|-----------|------|------|------|------|------|
| Austria | 75 | 29 | 23 | 20 | 26 | 20 |
| Belgium | 5 | 5 | 16 | 15 | 11 | 7 |
| Cyprus | | | | | | |
| Czech Rep. | 5 | 10 | 42 | 21 | 32 | 24 |
| Denmark | 4 | 5 | 10 | 26 | 26 | 33 |
| Estonia | 0 | | | | | |

| | | | | | | |
|--------------------|-----|-----|-----|-----|-----|-----|
| Finland | 14 | 3 | 3 | 11 | 7 | 11 |
| France | 78 | 51 | 25 | 96 | 53 | 63 |
| Germany | 239 | 130 | 93 | 106 | 126 | 148 |
| Greece | 0 | | | | | |
| Hungary | 0 | | | | | |
| Iceland | 0 | | | | | |
| Ireland | 0 | | | | | |
| Italy | 5 | 8 | 7 | 15 | 16 | 15 |
| Latvia | 0 | | | | | |
| Lithuania | 0 | | 1 | 1 | 2 | 5 |
| Luxemburg | 0 | | | | | |
| Netherland | 6 | 4 | 14 | 7 | 19 | 8 |
| Norway | 5 | | 2 | 4 | | 2 |
| Poland | 0 | 9 | 7 | 13 | 23 | 29 |
| Portugal | 0 | | | | | 1 |
| Slovak rep. | 0 | 2 | | 13 | 26 | 12 |
| Slovenia | 4 | 3 | 4 | 3 | 7 | 15 |
| Spain | 9 | 16 | 19 | 9 | 15 | 24 |
| Sweden | 4 | 4 | 1 | 1 | | 3 |
| Switzerland | 0 | | | | | |
| UK | 9 | 10 | 5 | 7 | 15 | 16 |
| | 462 | 289 | 272 | 368 | 404 | 436 |

6. GENERAL ISSUES

EOTA has now 45 members of 26 EEA countries, Switzerland and Turkey .

For Belgium the original member (DGV/DAS) has withdrawn its membership and is now replaced by UBAtc.

For Finland, VTT has been replaced by VTT Expert Services Oy

For the Netherlands, the status of Approval Body and consequently membership of EOTA was withdrawn on 31/12/2010 for TNO Bouw and Ondergrond. TNO Certification was renamed TÜV Rheinland Quality (TNO Certification BV).

For Switzerland, EMPA was nominated as Approval Body.

Following legal consultation with the EC services, Turkey was able to nominate an Approval Body; it nominated at year end 2010 ITBAK, which is now recognised as full member of EOTA.

It should be noted that Bulgaria, Malta and Romania have so far not nominated an Approval Body.

For the actual list of Approval Bodies, see the EOTA website.

Furthermore, EOTA has the following observers: INCERC – Romania, IMS – Serbia and IGH – Croatia.

Member States should be made aware that any modification of Approval Bodies' name, scope and/or contact data should be notified to the EC through the Nando system, preferably with a copy to EOTA, given the automatic EOTA membership.

It has also to be recorded that the Estonian and Greek EOTA members (TUT and EL0T respectively) were not able to fulfil their financial obligations over 2010. For the Icelandic member (NMI) this is still the case for 2009 and doubt exists now about the continuation of this EOTA membership.

At financial level it has also to be mentioned that the EC decided at the end of 2009 not to fund the EOTA proposals introduced to the EC services in 2007 (6 proposals) and 2008 (1 proposal), for possible funding in the context of the EC-EOTA Framework Agreement, as this FA came to an end in March 2010. No new Framework Agreement has since then been worked out.

ANNEX 1: PROGRESS SHEET MANDATED AREAS (ETAGs)

Annex 1 to CONSTRUCT10/888

Situation 09/02/2011

| | | | | | | | | | | | |
|---|-----|--------------|------------|-----------|-----------|------------|------------|---------------|---------------------------|--|----------------------|
| 1. Fire Stopping and Fire Sealing Products Part 1: Cavity barriers Part 2: Penetration seals Part 3: Linear Joint and Gap seals Part 4: Air transfer grilles Part 5: Cavity barriers Progress file Part 2 Progress file Part 3 | 026 | 30/6 1-07-08 | 18/01/1999 | 6-7/10/98 | 9/11/1998 | 25/02/2000 | 22/12/2000 | December 2006 | 11/05/07 11/05/07 X | 01/01/2008 01/01/2008 01/02/2008 | E, D E, D E, D |
| | 026 | | | | | | | 09/06/06 | | | |
| | 026 | | | | | | | 13/11/2006 | | | |
| | 026 | | | | | | | 13/07/2008 | | | |
| | 026 | | | | | | | | 02/10/2009 | | |

ANNEX 1: PROGRESS SHEET MANDATED AREAS (ETAGs)

Annex 1 to CONSTRUCT10/888

Situation 09/02/2011

| STEPS WORKING GROUPS | 2 EC - SCC 9/10/12/98 | 5 EC - OV (Step 0.V) | 7 SCC Decision FM - AC | 8 EC - FM | 10 EC - WR EC | 11 WR acceptance EC | 12 1st lift to EC (Step 1.OV) | 15 Exam Final ETAG (Step 3.OV) | 16 SCC Opinion | 17 EC letter endorsement (Step 3.OV) | 18 Last date available | 19 EC Cov. period |
|--|-----------------------------|----------------------------|---------------------------------|--------------|---------------------|------------------------------|--|--|---|--|--|----------------------------------|
| 2. Fire Protective Products Part 1: General Part 2: Reactive coatings Part 3: Renderings Part 4: Board, slab, and mat products and kits Progress file Part 4 Part 1: General Progress file Part 2 Progress file Part 3 3. Fire Retardant Products | 30/06-14/07/98 | 18/01/1999 | 6-7/10/98 | 9/11/1998 | 25/02/2000 | 29/03/2005 | 22/12/2000 | 27/02/04 27/10/05 01/12/05 27/02/2004 27/02/2004 27/02/2004 23/08/2008 | 2/04/2004 X 17/02/2006 2/04/2004 27/02/2004 23/08/2008 | 21/09/2004 17/07/2006 03/03/2006 21/09/2004 16/11/2006 | E, D E, D E, D E, D | 06/07 04/09 11/06 06/07 |
| 18. Prefabricated Wood-based Load-bearing Stressed Skin Panels | 6-7/10/98 | 18/01/1999 | 30/06/1999 (2000/147) | 13/07/1999 | 28/08/2000 | 31/07/2001 | 22/12/2000 | 27/02/2004 | 2/04/2004 | 25/01/2005 | E, CZ | 11/07 |
| 19. Self-supporting Composite Light Weight Panels Part 1: General Part 2: for use in Roofs Part 3: for use in external walls and claddings Part 4: for use in internal walls and ceilings Progress File | 6-7/10/98 | 22/11/1999 | 30/06/1999 (2000/147) | 13/07/1999 | 28/08/2000 | 31/07/2001 | 22/12/2000 10/11/2000 | 27/02/2003 27/02/2003 27/02/2004 4/06/2004 | 13-14/05/03 13-14/05/03 26/10/2004 26/10/2004 | 9/02/2004 17/02/2004 2/03/2005 2/03/2005 | E, PL, D, CZ E, PL, D, CZ E, D E, D | 11/06 11/06 12/07 12/07 |
| 20. Expansion joints for road bridges Part 1: General Part 2: Buried Expansion joints Part 3: Flexible Plug Expansion joints Part 4: Nosing Expansion joints Part 5: Mat expansion joints Part 6: Cantilever expansion joints Part 7: Supported expansion joints Part 8: Modular expansion joints Part 9: Modular expansion plates 21. Three-dimensional Nailing Plates | 9-10/12/98 | 22/11/1999 | 4-5-07/99 (2001/19) | 21/10/2000 | 21/09/2001 | 21/10/2004 | 3/12/2001 | 13/03/2007 | | | | |
| Progress file | 9-10/12/98 | 22/11/1999 | 8/04/1999 (97/939) | 28/05/1999 | 30/06/1999 | 22/08/1999 | 7/09/2000 | 13/06/2002 | 10-11/09/02 | 24/09/2002 | D, E, H, PL, SK | 08/07 |
| 22. Vatures (prefabricated) Insulation Kits and Cladding Kits | 9-10/12/98 | 22/11/1999 | (2001/308) 4-5/07/2000 | 21/10/2000 | 14/09/2001 | 31/07/2001 | 8/02/2001 | 23/10/2003 | 2005 | 16/12/2005 | E, CZ, SK, D | 09/09 |
| 2. Kits for exterior Wall Claddings Part 1: Ventilated cladding elements and associated fixing devices Part 2: Kits made of skin, the mechanical fixing devices and a specific substrate Part 3: Kits made of skin, the mechanical fixing devices and a specific substrate Part 4: Kits made of skin, the mechanical fixing devices and a specific substrate 23. Filling Rock Protection Kits | 12-13/12/00 | 17/12/2001 | (2003/640) 4/09/2003 | 17/03/2003 | 2/07/2003 | 7/09/2004 | 18/11/2004 | December 2006 27/03/2008 27/03/2008 23/08/2008 | 29/08/2008 23/08/2008 | | | |
| 24. Prefabricated Industrial and Commercial Buildings | 4-5/7/00 | 15/01/2001 | (2003/728) 3/10/2003 | 3/02/2003 | 29/07/2004 | 4/03/2004 | 3/12/2001 | 09/06/2006 | X | 01/02/2008 | E, D | |
| 25. Liquid applied BridgeDeck Waterproof Kits | 4-5/7/00 | 15/01/2001 | (2003/728) 20/03/2003 | 3/02/2003 | 2/07/2003 | 2/03/2005 | 3/12/2001 | December 2005 | X | 19/09/2006 | E | *** |
| 26. Concrete & Metal Frame Building Kits 1. Metal Frame Building Kits 2. Metal Frame Building Kits | 4-5/7/00 | 15/01/2001 | (2003/728) 24/10/1998? | 3/02/2003 | 14/06/2004 | 11/03/2005 | 3/12/2001 | December 2005 | X X | 28/07/2006 28/07/2006 | E E | 04/09 04/09 |
| 27. 1. Kits for Prefabricated Cold Storage Rooms 2. Kits for Prefabricated Cold Storage Buildings and envelopes Progress file | 4-5/7/00 | 23/12/2002 | (2003/728) 3/10/2003 | 3/02/2003 | 2/07/2003 | (07/09/04) | 3/12/2001 | 20/10/2004 | X | 16/11/2005 | E, CZ, D | 08/08 |
| 28. Dowels for Structural Joints (previously called "Pins") | 12-13/12/00 | 17/12/2001 | (2003/639) 4/09/2003 | 17/03/2003 | 07/09/04 | 07/09/04 | 01/09/2003 | | | | | |
| 29. Watertight coverings for bathroom walls and floors Part 1: Liquid applied waterproofing kits Part 2: Kits with flexible sheets with welded joints Part 3: Kits of inherently watertight boards 30. Ultra thin Layer Asphalt Concrete | 22-23/05/01 | 17/12/2001 | (2003/655) 12/09/2003 | 11/03/2004 | 14/06/2004 | 11/03/2005 | December 2002 | 27/10/2005 13/11/2006 1/03/2009 | X 26/09/2009 23/09/2009 23/09/2009 | 20/07/2007 20/07/2007 20/07/2007 | E, D | *** |
| 31. Invented Roof Insulation Kits Part 1: General Part 2: Rendered Insulation Products | 18-19/12/01 | 23/12/2002 | (98/501) 24/10/1998? | 16/12/2005 | 10/07/2006 | 13/10/06 | September 2008 | 19/07/2008 | | | | |
| | 10-11/02/02 | 19/12/2003 | (97/558) 20/08/1997 | 03/11/2006 | 19/02/2007 | 25/01/2007 | 23/03/2004 29/03/2005 | 13/03/2007 5/07/2007 | 16/06/2009 16/06/2009 | | E E | *** ** |

*, date as published by the EC (has to be amended)
 **, one mandate resulting in three guidelines
 ***, no longer mentioned by the EC services
 [Pattern], not applicable
 [Pattern], when the comments were received by EOTA

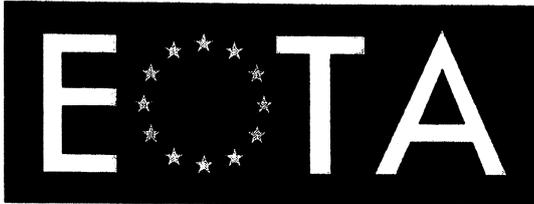
| EC Number | WORKING GROUPS | Opinion SCC | Commission Decision | Official Journal |
|-------------------------------------|---|--------------|---------------------|------------------|
| 96/582/EC | Structural Sealant Glazing Systems and Metal Anchors for Use in Concrete (Heavy duty use) | 25/03/1996 | 24/06/1996 | L254 08/10/96 |
| 97/177/EC | Metal Anchors for Use in Concrete and Masonry | 7/10/1996 | 17/02/1997 | L73 14/03/97 |
| 97/161/EC | Metal Anchors for Use in Concrete for Fixing Lightweight Systems | 7/10/1996 | 17/02/1997 | L62 04/03/97 |
| 97/463/EC | Plastic Anchors for use in Concrete and Masonry | 20/11/1996 | 27/06/1997 | L198 25/07/97 |
| 97/556/EC Amended by 2001/596/EC* | External Thermal Insulation Composite Systems / Kits with Rendering (ETICS) | 3/02/1997 | 14/07/1997 | L229 20/08/97 |
| 98/143/EC | Mechanically Fastened Flexible Waterproofing Membranes for Roofs | 10/06/1997 | 3/02/1998 | L42 11/02/98 |
| 98/279/EC Amended by 2001/596/EC* | Non-loadbearing Permanent Shuttering Systems | 10/06/1997 | 5/12/1997 | L127 29/04/98 |
| 98/213/EC Amended by 2001/596/EC* | Internal Partition Kits | 7/10/1997 | 9/03/1998 | L80 18/03/98 |
| 98/456/EC | Post-tensioning Systems for the Prestressing of Structures | 3/12/1997 | 3/07/1998 | L201 17/07/98 |
| 98/599/EC Amended by 2001/596/EC* | Liquid Applied Waterproofing Kits | 25-26/03/98 | 12/10/1998 | L287 24/10/98 |
| 98/600/EC Amended by 2001/596/EC* | Self-supporting Translucent Roof Kits | 25-26/03/98 | 12/10/1998 | L287 24/10/98 |
| 99/92/EC | Light Composite Woodbased Beams and Columns | 30/06/1998 | 25/01/1999 | L29 3/2/99 |
| 99/89/EC Amended by 2001/596/EC* | Prefabricated Stair Kits | 1/07/1998 | 25/01/1999 | L29 3/2/99 |
| 99/455/EC | Timber Frame and Log Prefabricated Building Kits | 1/07/1998 | 22/06/1999 | L187 14/7/99 |
| 99/454/EC Amended by 2001/596/EC* | Fire Stopping, Fire Sealing and Fire Protecting Products | 6/7-10-98 | 22/06/1999 | L178 14/7/99 |
| 2000/447/EC Amended by 2001/596/EC* | Sandwich and Stressed Skin elements | 6/7-10-98 | 22/06/1999 | L178 14/7/99 |
| 2001/19/EC | Expansion joints for traffic and railway bridges subject to dynamic loads, fatigue and durability | 30/06-1/7-99 | 13/06/2000 | L180/40 19/7/00 |
| 97/638/EC | Three-dimensional Nailing Plates | 4-5/7/2000 | 20/12/2000 | L5/6 10/01/2000 |
| 2001/308/EC | Vetures (prefabricated) insulation systems | 3/02/1997 | 19/09/1997 | L268 01/10/97 |
| | | 4-5/7/2000 | 31/01/2001 | L107 18/04/01 |

* the amendment is published in the O.J of 28.2001 N° 209. Decision of 8/01/2001.

Annex 3 to CONSTRUCT 10/888
 Comprehensive table of Commission Decisions taken relating to the system of attestation of the conformity of construction products
 9/02/2011

| EC Number | WORKING GROUPS | Opinion SCC | Commission Decision | Official Journal |
|-------------|---|-------------|---------------------|------------------|
| 2003/728/EC | Prefabricated Building Units | 10-11/09/02 | 3/10/2003 | L262/34 14/10/03 |
| 2003/728/EC | Concrete Frame Building Kits | 10-11/09/02 | 3/10/2003 | L262/34 14/10/03 |
| 2003/728/EC | Metal Frame Building Kits | 10-11/09/02 | 3/10/2003 | L262/34 14/10/03 |
| 2003/728/EC | Cold Storage Rooms Kits | 10-11/09/02 | 3/10/2003 | L262/34 14/10/03 |
| 2003/722/EC | Liquid Applied Bridgedeck Waterproofing Kits | 10-11/09/02 | 6/10/2003 | L260/32 11/10/03 |
| 2003/728/EC | Rock Fall Protection Kits | 10-11/09/02 | 3/10/2003 | L262/34 14/10/03 |
| 2003/639/EC | Pins for Structural Joints | 9/12/2002 | 4/09/2003 | L226/18 10/09/03 |
| 2003/655/EC | Watertight coverings for bathroom walls and floors | 9/12/2002 | 12/09/2003 | L231/12 17/09/03 |
| 2003/640/EC | Cladding Kits | 9/12/2002 | 4/09/2003 | L226/21 10/09/03 |
| 2005/484/EC | Kits for prefabricated Cold Storage buildings and envelope Kits | 26/10/2004 | 4/07/2005 | L173/15 06/07/05 |
| 1998/601/EC | Ultra thin Layer Asphalt Concrete | ? | 13/10/1998 | L287/41 24/10/98 |
| 97/556/EC | Inverted Roof Insulation Kits | 26/10/2004 | 14/07/1997 | L229 20/08/1997 |

* the amendment is published in the OJ of 28.2001 N° 209. Decision of 8/01/2001.



European Organisation for Technical Approvals
Europäische Organisation für Technische Zulassungen
Organisation Européenne pour l'Agrément Technique

Mr Leoz
EUROPEAN COMMISSION
DG Chemicals, Metals, Raw Materials,
New Approach Industries
Unit G5 Construction, Pressure Equipment,
Metrology
Rue Belliard 100
1049 Brussels

Our ref.: PC/kl/010/2011

Brussels, 28/01/2011

Dear Vicente,

Over the last months EOTA has become aware of various projects of the EC services aimed at transferring ETAGs or ETAG subjects, for which EOTA received an EC/EFTA mandate, into draft mandates to CEN for producing harmonised European standards.

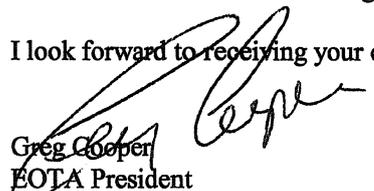
This has been the case for certain families of ETICS and is now the case for the ETAGs on Internal Partition Kits and on Watertight Coverings of bathroom walls and floors.

Although EOTA fully recognises that ETAGs might ultimately be transferred into hENs, depending on the assessment expertise acquired, the EOTA bodies wish to express their concern that this now seems to be happening without prior consultation of the involved parties and in particular without taking into account the terms and conditions of the SCC document which was produced to set out a framework for this type of possible transfer (see annexed CONSTRUCT Document 01/509 "Transfer of ETAGs into harmonised ENs", elaborated under the CPD, after consultation of all parties involved).

EOTA believes that best practice should conceive transfer to a hEN once a sufficient level of technical expertise has been achieved and encapsulated into a fully developed, stable, ETAG. The judgement of when this stage is reached should involve transparent discussion between EOTA, CEN and the stakeholders concerned. Such transfers we believe should also take into account the EOTA intellectual property contained in a fully developed ETAG which has often required a significant investment in time by EOTA technical experts from across the EU.

In the spirit of cooperation which binds us through the CPD and which we have sought to bring to recent discussions on the development of the CPR the EOTA officers would like to have an in depth discussion on this issue to ensure that the procedure adopted acknowledges both the principles already developed and those laid down in the emerging CPR.

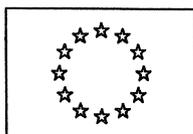
I look forward to receiving your comments,


Greg Cooper
EOTA President

Encl.

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EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Single Market : regulatory environment, standardisation & New Approach
Construction

CONSTRUCT 01/509

TRANSFER OF ETAs INTO HARMONIZED ENs

Framework and procedures

It follows from the CPD that for given products, for which ETA were granted because “a standard could not, or not yet, be elaborated” technical specifications can be transformed into harmonized standard when appropriate (CPD Art. 8).

This means that the fitness for use of innovative products, or products for which harmonized EN cannot yet be elaborated, can initially be based on ETAs. But after a certain period, which depends on the specificity of the product, it will be a normal evolution to elaborate a harmonized standard which will be the reference for the CE marking of product in the future.

As the elaboration of a harmonized EN requires the issue of a mandate by the Commission and as the appropriate European technical specification (giving presumption of fitness for the intended use of the product) is taken into account in the relevant national provisions, it is necessary to lay down the applicable rules for the transfer of basis of the CE marking from ETAs to harmonized ENs.

This paper is intended to lay down such rules.

1) Framework:

The fact that EOTA has been given the green light to prepare ETAs [covered by a Guideline or without a Guideline (Art. 9.2)] means that the SCC has been consulted and:

- the Commission considers that a harmonized European standard cannot (or not in the short term) be elaborated, or
- the product in question deviates significantly from a harmonized EN or recognised national standards.

The Directive foresees that ETAs shall be issued for a five year period (Article 8.4 of the CPD), which may be extended. At a certain time after the delivery of some ETAs for similar products, the Commission could examine the possibility of issuing a mandate to CEN for the product(s) in question. Such a mandate would be considered in the light of the technical knowledge and experience collected during and after the product assessment procedures in the framework of the ETAs.

The time necessary for such consolidation of all the technical knowledge and experience gained, can be different depending on the product. The more innovative and unique the product, the more time would logically be expected as necessary for the elaboration of a harmonized EN. Taking into account:

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- that a detailed consultation of the interested parties took place on the occasion of the EOTA mandates (or of the permission to issue ETAs under Art. 9.2),
- the efforts and resources (scientific and financial) spent for the preparation of the ETAGs or the CUAPs,
- that a certain number of product assessments should be realised to permit the consolidation of technical knowledge and experience for the elaboration of a harmonized EN,

this period could be expected, in general, to be **not less than 5 years** from the finalisation of the relevant ETA Guideline or of the CUAP (= Common Understanding of Assessment Procedures).

After the issue of a new mandate to CEN for the elaboration of a harmonized EN for a product covered by an ETA, the EOTA Approval Bodies will still be allowed to issue ETAs:

- until the entry into force of the harmonized product standard in the Member States, for products for which ETA Guidelines exist (CPD, Art. 8.2, last paragraph),
- in special cases, as a derogation from article 8.2(a), after the authorisation of the Commission (following consultation of the SCC) and for a fixed period (CPD, Art. 8.3).

Therefore, the reference of the harmonized EN in the OJEC and the related dates shall also be used as a means:

- to inform the EOTA Approval Bodies of the final date they can issue ETAs. The already issued ETAs will continue to be valid until the end of their validity period (usually 5 years).
- to inform the national authorities on the changeover to harmonized ENs as the basis for presumption of fitness for the intended use.

On the other hand, if for any reason the harmonized EN is finally not adopted by CEN, the EOTA Approval Bodies will continue to have the permission to issue ETAs covered by the ETAG until they are informed by the publication in the OJEC. In the case of ETAs without Guideline this will only be possible until the expiration of the fixed period determined by the authorisation of the Commission (following consultation of the SCC).

2) Procedures:

Before issuing a mandate to CEN for the elaboration of a harmonized EN, the Commission must first be convinced that the elaboration of the harmonized EN is possible.

For this purpose, a stable and reliable basis for the future harmonized EN must be available. Such is considered to be an EN or a draft EN (which passed at least the public enquiry stage) covering the same essential characteristics as those included in the mandate which had already been addressed to EOTA (for a product covered by an ETA Guideline) or in the relevant CUAP (for a product covered by an ETA under Art. 9.2).

The Commission must in addition be convinced that the TC has the resources to complete the harmonized EN in an acceptable timescale, and that any new standards being developed will not delay the work programme already committed by the TC. The

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TC should therefore have completed the majority of standards listed in their work programme to the Commission, before undertaking any additional work items.

In practical terms:

The procedure could be started on the initiative of the Commission or by a proposal from the CEN, EOTA or other party. In order to explain the situation and convince the Commission that the elaboration of a harmonized EN can be elaborated, the proposal should, in general, contain:

- a detailed explanation how the experience and the knowledge gained by the products' assessments under EOTA have been consolidated in the future harmonized EN. The proposal must indicate and clearly justify the various points where the future harmonized EN will be different from the already existing provisions of the CUAP or the ETAG. The proposal will clearly indicate the timetable and deadlines for submission of the future harmonized EN at the various stages, as well as any implications on the progress of existing mandated CEN work items,
- a copy of the relevant draft EN (covering all the essential characteristics expected to be in the mandate) with a proof that it has at least pass the public enquiry stage (together with a copy of all supporting and already adopted test standards),
- a draft Annex ZA on the basis of the essential characteristics (included in the previous EOTA mandate or in the CUAP), showing clearly that the future harmonized EN will cover all regulatory aspects to allow for the CE marking of the complying products.

The Commission will upon receipt send the proposal to EOTA asking for their comments within a time limit of 3 months. After the examination of the comments received by EOTA, the Commission may convene a trilateral meeting between CEN, EOTA and the Commission in order to clarify the situation. If the Commission considers that the elaboration of a harmonized EN is possible, it can start the usual procedure for drafting a mandate to CEN. The SCC will also be consulted on the mandate as usual.

The mandate to CEN can be expected to be based on the original mandate already issued to EOTA (for ETAs covered by a Guideline) or on the basis of the regulatory aspects included in the agreed CUAP (for ETAs without a Guideline).

