ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2008
of 12 March 2008

of the Committee established under the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment on the inclusion in Annex 1 of a new Chapter 16 on construction products
(2008/813/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment (the Agreement) signed on the 21 June 1999, and in particular Article 10(5) thereof,

Whereas according to Article 10(5), the Committee may modify the Annexes to this Agreement,

HAS DECIDED AS FOLLOWS:

1. Annex 1 on Product Sectors to the Agreement is modified in order to include a new Chapter 16 on Construction Products in accordance with the provisions set out in Attachment A annexed to this Decision.

2. This Decision, done in duplicate, shall be signed by representatives of the Committee who are authorised to act on behalf of the Parties. This Decision shall be effective from the date of the later of these signatures.

On behalf of the Swiss Confederation
Heinz HERTIG

On behalf of the European Community
Fernando PERREAU DE PININCK
ATTACHMENT

In Annex 1, Product Sectors, the following Chapter 16 on Construction Products shall be introduced:

`CHAPTER 16
CONSTRUCTION PRODUCTS
SECTION I
Legislative, regulatory and administrative provisions

Provisions covered by Article 1 paragraph 2

European Community


Implementing measures


Switzerland

100. Loi fédérale du 8 octobre 1999 sur les produits de construction (RO 2000 3104)

101. Ordonnance du 27 novembre 2000 sur les produits de construction (RO 2001 100)


**SECTION II**

Conformity assessment bodies

1. The Committee established under Article 10 of this Agreement shall draw up and keep up to date, according to the procedure described in Article 11 of this Agreement, a list of the conformity assessment bodies.

2. Conformity assessment bodies can be differentiated in three different bodies involved in the attestation of conformity: Certification body, inspection body and testing laboratory. For the purpose of this Agreement the definitions of Annex III Section 3 to Directive 89/106/EEC shall apply.

**SECTION III**

Designating authorities

The Committee established under Article 10 of this Agreement shall draw up and keep up to date a list of the designating authorities and the competent authorities notified by the Parties.

**SECTION IV**

Special rules relating to the designation of conformity assessment bodies

For the designation of conformity assessment bodies, the designating authorities shall comply with the general principles contained in Annex 2 to this Agreement and the assessment criteria set out in Annex IV to Directive 89/106/EEC.

**SECTION V**

Supplementary provisions

1. European harmonised standards for construction products

For the purpose of this Agreement, Switzerland will publish the reference of the European harmonised standards for construction products after their publishing in the Official Journal of the European Union according to Article 7 of the Directive 89/106/EEC.

To state the equivalence of the Swiss systems of conformity attestation, Switzerland will add to every harmonised standard a conversion table. This conversion table shall ensure the comparability of the Swiss and the European systems of conformity attestation describing the relevant procedures to assess conformity.
2. Interpretative documents and guidance papers


3. European technical approvals

(a) Switzerland shall be entitled to designate Swiss bodies to issue European technical approvals. It shall make sure that designated bodies become members of the European Organisation for Technical Approvals (EOTA) and participate in its work, in particular for establishing guidelines for European technical approvals according to Article 11 of the Directive 89/106/EEC and issuing European technical approvals (ETAs).

Switzerland shall notify the Committee established under Article 10 of this Agreement of the names and addresses of such bodies.

Decisions of EOTA shall also apply for the purpose of this Agreement.

European Technical Approvals are issued by the EOTA Approval Bodies and are recognised by both Parties for the purpose of this Agreement.

(b) “Approval Body” shall mean a public or private law body which is authorised to issue European technical approvals.

Approval bodies are designated by the Parties according to their relevant procedures.

The Committee established under Article 10 of this Agreement shall draw up and keep up to date a list of the approval bodies. To this end, the notification procedure described in Section II paragraph 1 in accordance with Article 11 of this Agreement shall also apply to approval bodies analogously.

The Parties hereby recognise that the bodies thus listed for the purpose of this Agreement fulfil the conditions to issue European technical approvals.

4. Information exchanges

In accordance with Article 9 of this Agreement, the Parties shall exchange information needed to ensure a proper implementation of this chapter.

5. Technical documentation

It shall be sufficient for manufacturers, their authorised representatives or the person responsible for placing products on the market to hold the technical documents required by the national authorities for inspection purposes at their disposal in the territory of one of the Parties for a period of at least ten years after the last date of manufacture of the product.

The Parties hereby undertake to forward all relevant technical documents at the request of the authorities of the other Party.

6. Person responsible for placing the products on the market and labelling

The manufacturer shall not be obliged to designate an authorised representative or a person responsible for placing products on the market established in the territory of the other Party, nor to indicate the name and address of an authorised representative, responsible person or importer on the label, outer packaging or instructions for use.'