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# Legislation

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I Acts whose publication is obligatory

Commission Regulation (EC) No 1646/97 of 19 August 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

II Acts whose publication is not obligatory

# Council

97/554/EC, Euratom:

# Commission

97/555/EC:

(1) Text with EEA relevance

(Continued overleaf)



1

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

Contents (continued)

97/556/EC:

(1) Text with EEA relevance

I

(Acts whose publication is obligatory)

# COMMISSION REGULATION (EC) No 1645/97

of 19 August 1997

correcting Regulation (EC) No 1629/97 of 14 August 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (1), as last amended by Commission Regulation (EC) No 923/96 (2), and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice (3), and in particular Article 13 (3) thereof,

Whereas Commission Regulation (EC) No 1629/97 (4) has fixed the refunds applicable to cereal and rice sector products supplied as Community and national food aid;

Whereas a check has shown that the published version does not correspond to the measures presented for an opinion to the Management Committee; whereas the Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

# Article 1

Article 2 of Regulation (EC) No 1629/97 is replaced by Article 2 of this Regulation.

# Article 2

For Community food aid operations for North Korea a refund of ECU 367/tonne is fixed for products falling within CN code 1006 30.

# Article 3

This Regulation shall enter into force on 20 August 1997.

It shall apply from 15 August 1997.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 August 1997.

For the Commission Erkki LIIKANEN Member of the Commission

<sup>(\*)</sup> OJ No L 181, 1. 7. 1992, p. 21. (\*) OJ No L 126, 24. 5. 1996, p. 37. (\*) OJ No L 329, 30. 12. 1995, p. 18. (\*) OJ No L 225, 15. 8. 1997, p. 6.

# **COMMISSION REGULATION (EC) No 1646/97**

# of 19 August 1997

# establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables (1), as last amended by Regulation (EC) No 2375/96 (2), and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation (EC) No 150/95 (4), and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

# Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

# Article 2

This Regulation shall enter into force on 20 August 1997.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 August 1997.

For the Commission Erkki LIIKANEN Member of the Commission

<sup>(</sup>¹) OJ No L 337, 24. 12. 1994, p. 66. (²) OJ No L 325, 14. 12. 1996, p. 5. (³) OJ No L 387, 31. 12. 1992, p. 1. (\*) OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 19 August 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

0709 90 79 0805 30 30 0806 10 40 0808 10 92, 0808 10 94, 0808 10 98	052 999 052 388 524 528 999 052 400 600 624 999 388 400 508 512 524	61,8 61,8 63,5 66,9 69,3 56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9 63,4
0806 10 40 0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	052 388 524 528 999 052 400 600 624 999 388 400 508 512 524	61,8 63,5 66,9 69,3 56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0806 10 40 0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	388 524 528 999 052 400 600 624 999 388 400 508 512	63,5 66,9 69,3 56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	524 528 999 052 400 600 624 999 388 400 508 512	66,9 69,3 56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	528 999 052 400 600 624 999 388 400 508 512 524	69,3 56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	999 052 400 600 624 999 388 400 508 512	56,4 64,0 124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	052 400 600 624 999 388 400 508 512 524	124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 10 92, 0808 10 94, 0808 10 98 0808 20 57	400 600 624 999 388 400 508 512 524	124,3 189,1 103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 20 57	600 624 999 388 400 508 512 524	103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 20 57	624 999 388 400 508 512 524	103,7 190,0 151,8 72,3 61,0 60,2 27,9
0808 20 57	999 388 400 508 512 524	151,8 72,3 61,0 60,2 27,9
0808 20 57	388 400 508 512 524	72,3 61,0 60,2 27,9
0808 20 57	400 508 512 524	72,3 61,0 60,2 27,9
0808 20 57	508 512 524	61,0 60,2 27,9
	512 524	60,2 27,9
	524	27,9
	524	1
		1
	528	57,8
	804	68,5
	999	58,7
	052	71,0
	388	45,4
	512	85,1
	528	41,9
	999	60,9
0809 30 41, 0809 30 49	052	79,2
	999	79,2
0809 40 30	052	51,6
	064	68,0
	066	52,8
	624	250,3

<sup>(</sup>¹) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

# COMMISSION REGULATION (EC) No 1647/97

of 19 August 1997

specifying the extent to which applications lodged in July 1997 for import rights in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1376/97 of 17 July 1997 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 1997 to 30 June 1998) (1), and in particular Article 4 (4) thereof,

Whereas Article 1 (1) of Regulation (EC) No 1376/97 lays down the number of young male bovine animals which may be imported on special terms during 1997/98; whereas applications for import rights result in the issuing of licences in accordance with the provisions of this Regulation,

HAS ADOPTED THIS REGULATION:

# Article 1

All applications for import rights made in Member States other than Italy and Greece pursuant to Article 4 (3) of Regulation (EC) No 1376/97 are hereby met to the extent of 0,617 % of the quantity requested.

# Article 2

This Regulation shall enter into force on 20 August 1997.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 August 1997.

For the Commission
Erkki LIIKANEN
Member of the Commission

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(Acts whose publication is not obligatory)

# COUNCIL

# DECISION No 2/97 OF THE ASSOCIATION COUNCIL BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND ROMANIA, OF THE OTHER PART

of 4 August 1997

adopting the terms and conditions for the participation of Romania in Community programmes in the fields of training, youth and education

(97/554/EC, Euratom)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (1),

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part concerning Romania's participation in Community programmes (2), and in particular Articles 1 and 2 thereof,

Whereas according to Article 1 of the said Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other Community actions notably in the fields of training, youth and education;

Whereas according to Article 2 of the said Additional Protocol the terms and conditions for the participation of Romania in the activities referred to in Article 1 are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Romania shall participate in the European Community programmes Leonardo da Vinci, Youth for Europe and

Socrates according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

# Article 2

This Decision shall apply for the duration of the Leonardo da Vinci, Youth for Europe and Socrates programmes.

# Article 3

This Decision shall enter into force on the first day of the month following its adoption.

Done at Brussels, 4 August 1997.

For the Association Council

The Chairman

J. POOS

<sup>(</sup>¹) OJ No L 357, 31. 12. 1994, p. 2. (²) OJ No L 317, 30. 12. 1995, p. 40.

### ANNEX I

# TERMS AND CONDITIONS FOR THE PARTICIPATION OF ROMANIA IN THE LEONARDO DA VINCI, YOUTH FOR EUROPE AND SOCRATES PROGRAMMES

- 1. Romania will participate in all actions of the Leonardo da Vinci, Youth for Europe and Socrates programmes (hereinafter called 'the Programmes') in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and time limits laid down in Council Decision No 94/819/EC establishing an action programme for the implementation of a European Community vocational training policy, Decision No 818/95/EC of the European Parliament and of the Council adopting the third phase of the 'Youth for Europe' programme and Decision No 819/95/EC of the European Parliament and of the Council establishing the European Community action programme Socrates.
- 2. The terms and conditions for the submission, assessment and selection of applications by eligible institutions, organizations and individuals of Romania shall be the same as those applicable to eligible institutions, organizations and individuals of the Community.
  - Language preparation and training activities concern the official languages of the Community. In exceptional circumstances, other languages could be accepted if the implementation of the programmes so requires.
- 3. To ensure the Community dimension of the programmes, transnational projects and activities proposed by Romania will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the Programmes, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the Programme. Projects and activities carried out solely between Romania and EFTA States, EEA States or any other third countries, including those with an association agreement with the Community, to which participation in the programmes is open, are not eligible for Community financial support.
- 4. In conformity with the terms of the relevant provisions of the Decisions on Leonardo da Vinci, Youth for Europe and Socrates, Romania will lay down the appropriate stuctures and mechanisms at national level and will take all other necessary steps to ensure national coordination and organization of the implementation of the Programmes.
- 5. Romania will pay each year a contribution to the general budget of the European Communities to cover the costs resulting from its participation in the Programmes (see Annex II).
  - The Association Committee is entitled to adapt this contribution whenever necessary.
- 6. The Member States of the Community and Romania will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of students, teachers, university administrators, young people and other eligible persons moving between Romania and the Member States of the Community for the purpose of participating in activities covered by the Decision.
- 7. Without prejudice to the responsibilities of the Commission and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programmes pursuant to the Decisions concerning Leonardo da Vinci, Youth for Europe and Socrates (Articles 10, 9 and 8 respectively), the participation of Romania in the programmes will be continuously monitored on a partnership basis involving Romania and the Commission of the European Communities. Romania will submit the necessary reports to the Commission and take part in other specific measures undertaken by the Community in that context.
- 8. Without prejudice to the procedures referred to in Article 6 of the Decision on Leonardo da Vinci, Article 6 of the Decision on Youth for Europe and Article 4 of the Decision on Socrates, Romania will be invited to coordination meetings on any question concerning the implementation of this Decision prior to the regular meetings of the Committees. The Commission will inform Romania about the results of such regular meetings.
- 9. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be one of the official languages of the Community.

### ANNEX II

# FINANCIAL CONTRIBUTION OF ROMANIA TO LEONARDO DA VINCI, SOCRATES AND YOUTH FOR EUROPE

- 1. The financial contribution of Romania will cover:
  - subsidies and any other financial support from the programmes to Romanian participants,
  - the financial support from the programmes to the functioning of national agencies, where applicable,
  - supplementary administrative costs related to the management of the programmes by the Commission of the European Communities stemming from Romania's participation.
- 2. For every financial year, the aggregated amount of subsidies or any other financial support received from the programmes by Romanian beneficiaries and by the national agencies of Romania will not exceed the contribution paid by Romania, after deduction of the supplementary administrative costs.

Should the contribution paid by Romania to the general budget of the European Communities, after deduction of the supplementary administrative costs, be higher than the aggregated amount of the subsidies or other financial support received by the Romanian beneficiaries and by the national agencies from the programmes, the Commission will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the programmes come to an end, the corresponding amount will be reimbursed to Romania.

# 3. Leonardo da Vinci

Romania's annual contribution will be of ECU 4 500 000 from 1997. From this sum, an amount of ECU 300,000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation.

# 4. Socrates

Romania's contribution will be:

- ECU 3 481 000 in 1997 for its participation in Chapter II (School education, Comenius) and Chapter III (horizontal measures). From this sum, an amount of ECU 228 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation,
- ECU 7 911 000 in 1998 and in 1999, for its participation in the entire Socrates programme, including Chapter I (Erasmus). From this sum, an amount of ECU 518 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation.

# 5. Youth for Europe

Romania's annual contribution will be:

- ECU 575 000 in 1997 for participating in actions A.I and B.I. From this sum an amount of ECU 40 000 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation,
- ECU 725 000 in 1998 and ECU 1 332 000 in 1999 for participating in all the actions of the programme, except Action D. From these sums, an annual amount of ECU 50 000 in 1998 and ECU 80 000 in 1999 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation.
- 6. The financial regulation applicable to the general budget of the European Communities will apply, notably to the management of the contribution of Romania.

Upon the entry into force of this Decision and at the beginning of each year, the Commission will send to Romania a call for funds corresponding to its contribution to the costs under this Decision.

This contribution will be expressed in ecus and paid into an ecu bank account of the Commission.

Romania will pay its contribution to the annual costs under this Decision according to the call for funds and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution will give rise to the payment of interest by Romania on the outstanding amount from the due date. The interest rates correspond to the rate applied by the European Monetary Cooperation Fund, for the month of the due date, for its operations in ecus (1), increased by 1,5 percentage points.

- 7. Romania will pay the supplementary administrative costs referred to in paragraphs 3, 4 and 5 from its national budget.
- 8. Romania will pay 20 %, 59 % and 60 % of the remaining costs of its participation in the programmes from its national budget of 1997, 1998 and 1999 respectively.

Subject to regular Phare programming procedures, the remaining 80 %, 41 % and 40 % will be paid from Romania's annual Phare National Indicative Programmes of 1997, 1998 and 1999 respectively.

<sup>(&#</sup>x27;) Rate published monthly in the Official Journal of the European Communities — C series.

# **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.

<sup>(</sup>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):

	T	T	
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  — Pozzolanic 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	-	2+

- 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

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.

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# 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 external thermal insulation composite systems/kits with rendering (ETICS)

(Text with EEA relevance)

(97/556/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 proced-

ure 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 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 guidelines for European technical approval.

# Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1997.

For the Commission Martin BANGEMANN Member of the Commission

<sup>(</sup>¹) OJ No L 40, 11. 2. 1989, p. 12. (²) OJ No L 220, 30. 8. 1993, p. 1.

# ANNEX I

External thermal insulation composite systems/kits with rendering using products classified with regard to reaction to fire as A ('), B (') or C (') and A (without testing), D, E or F intended to be applied on external walls subject to fire regulations and external thermal insulation composite systems/kits with rendering intended to be applied on external walls not subject to fire regulations.

External thermal insulation composite systems/kits with rendering using products classified with regard to reaction to fire as A (²), B (²) or C (²) intended to be applied on external walls subject to fire regulations.

<sup>(&#</sup>x27;) Materials for which the reaction to fire performance is not susceptible to change during the production process.
(2) Materials for which the reaction to fire performance is susceptible to change during the production process.

# ANNEX II

# PRODUCT FAMILY

# EXTERNAL THERMAL INSULATION COMPOSITE SYSTEMS/KITS WITH RENDERING (1/1)

# Systems of attestation of conformity

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant Guideline for European technical approvals:

Product(s)	Intended use(s)	Level(s) or class(es) (Reaction to fire)	Attestation of conformity system(s)
External thermal insulation composite systems/kits with rendering (ETICS)		A (')-B (')-C (')  A (2)-B (2)-C (2)  A (without testing)	2+
	in external wall not subject to fire regulations	D-E-F	2+

System 1: See Annex III Section 2 (i) of Directive 89/106/EEC, without audit-testing of samples.

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

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

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.