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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1616/2003
of 16 September 2003
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 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) 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.

- (2) 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 17 September 2003.

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

Done at Brussels, 16 September 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 16 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	125,3
	060	112,2
	064	129,8
	094	81,8
	999	112,3
0707 00 05	052	120,2
	999	120,2
0709 90 70	052	117,2
	999	117,2
0805 50 10	388	62,8
	524	49,5
	528	50,8
	999	54,4
0806 10 10	052	72,0
	064	95,2
	999	83,6
0808 10 20, 0808 10 50, 0808 10 90	388	76,1
	400	62,2
	512	83,0
	720	66,8
	800	160,2
	804	100,1
	999	91,4
0808 20 50	052	85,8
	064	48,7
	388	81,8
	999	72,1
0809 30 10, 0809 30 90	052	97,0
	624	111,9
	999	104,5
0809 40 05	052	55,4
	060	68,0
	064	63,4
	066	55,3
	094	58,5
	624	116,8
	999	69,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1617/2003
of 15 September 2003
prohibiting fishing for anglerfish by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for anglerfish for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of anglerfish in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 1 September 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of anglerfish in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for anglerfish in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2003.

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

Done at Brussels, 15 September 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1618/2003
of 15 September 2003
prohibiting fishing for megrim by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for megrim for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of megrim in the waters of ICES zones VIIIA, b, d, e, by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 1 September 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of megrim in the waters of ICES zones VIIIA, b, d, e, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for megrim in the waters of ICES zones VIIIA, b, d, e, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2003.

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

Done at Brussels, 15 September 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1619/2003
of 15 September 2003
prohibiting fishing for Norway lobster by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for Norway lobster for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of Norway lobster in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium

or registered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 1 September 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Norway lobster in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for Norway lobster in the waters of ICES zone VIIIa, b, d, e, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2003.

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

Done at Brussels, 15 September 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 201, 8.8.2003, p. 3.

**COMMISSION REGULATION (EC) No 1620/2003
of 16 September 2003**

**opening an invitation to tender for the reduction in the duty on maize imported into Spain from
third countries**

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 organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) Under the Agreement on Agriculture ⁽³⁾ concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁵⁾, lays down the special detailed rules necessary for implementing invitations to tender.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall be open until 27 November 2003. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under this invitation to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 16 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 336, 23.12.1994, p. 22.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 1621/2003

of 16 September 2003

amending Regulation (EC) No 1503/2003 derogating from Regulation (EC) No 2342/1999 and from Council Regulation (EC) No 2529/2001 as regards advance payments in the beef and veal sector and payments in the sheepmeat and goatmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 4(8) and Article 6(7) thereof,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽³⁾, and in particular Article 26 thereof,

Whereas:

(1) Article 41 of Commission Regulation (EC) No 2342/1999 of 28 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes ⁽⁴⁾, as last amended by Regulation (EC) No 1473/2003 ⁽⁵⁾, lays down certain rules relating to the payment of advances.

(2) Article 6(1) of Regulation (EC) No 2529/2001 lays down certain rules relating to the payments of the ewe and goat premiums.

(3) In order to allow producers hit by exceptionally unfavourable weather conditions characterised by an intense and prolonged drought to meet the additional financial burdens resulting therefrom, Commission Regulation (EC) No 1503/2003 ⁽⁶⁾ authorised some Member States to make advance payments for the beef special premium and the suckler cow premium as well as payments for the ewe and goat premiums before 16 October 2003.

(4) Since that Regulation was adopted developments have shown that in some regions of Spain producers are equally affected by the drought. Spain should, therefore, be added to the list of Member States in the Annex to Regulation (EC) No 1503/2003.

(5) For reasons of sound budgetary management, it is necessary that the Member States concerned communicate to the Commission by 1 October 2003 the amount of the payments they intend to have made by 15 October 2003 at the latest.

(6) Regulation (EC) No 1503/2003 should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal and the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1503/2003 is amended as follows:

1. in Article 1, the following paragraph 5 is added:

‘5. The Member States concerned shall communicate to the Commission, by 1 October 2003 at the latest, the amount of the payments referred to in paragraph 1 that they intend to have made by 15 October 2003 at the latest.’;

2. the Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 341, 22.12.2001, p. 3.

⁽⁴⁾ OJ L 281, 4.11.1999, p. 30.

⁽⁵⁾ OJ L 211, 21.8.2003, p. 12.

⁽⁶⁾ OJ L 216, 28.8.2003, p. 23.

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

Done at Brussels, 16 September 2003.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

'ANNEX

	in EUR million
Germany	87
Spain	100
France	225
Italy	63
Luxembourg	1,4
Portugal	25'

COMMISSION REGULATION (EC) No 1622/2003
of 16 September 2003
amending the import duties in the cereals sector

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 organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1615/2003 ⁽⁵⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1615/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to the amended Regulation (EC) No 1615/2003 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 2003.

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

Done at Brussels, 16 September 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

⁽⁵⁾ OJ L 230, 16.9.2003, p. 29.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	4,66
1005 10 90	Maize seed other than hybrid	57,17
1005 90 00	Maize other than seed ⁽²⁾	57,17
1007 00 90	Grain sorghum other than hybrids for sowing	14,75

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(for 15 September 2003)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	134,39 (****)	79,22	175,53 (***)	165,53 (***)	145,53 (***)	124,07 (***)
Gulf premium (EUR/t)	—	12,56	—	—	—	—
Great Lakes premium (EUR/t)	16,38	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Fob Duluth.

(****) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Freight/cost: Gulf of Mexico — Rotterdam: 18,17 EUR/t; Great Lakes — Rotterdam: 28,31 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 September 2003

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards watertight covering kits for wetroom floors and walls

(notified under document number C(2003) 3246)

(Text with EEA relevance)

(2003/655/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 last amended by Directive 93/68/EEC ⁽²⁾, and in particular Article 13(4) thereof,

Whereas:

(1) 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. 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 required.

(2) Article 13(4) requires that the procedure thus determined shall be indicated in the mandates and in the technical specifications. It is therefore desirable to identify the products or family of products referred to in the technical specifications.

(3) The two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC. It is necessary therefore to specify clearly the methods by which the two procedures shall be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

(4) 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. 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.

(5) 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, 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.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

⁽²⁾ OJ L 220, 30.8.1993, p. 1.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in the mandates for Guidelines for European technical approvals.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 12 September 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

*ANNEX I***Watertight covering kits for wetroom floors and walls**

— For use in building works (excluding swimming pools and industrial processes).

ANNEX II

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

Watertight covering kits for wetroom floors and walls (1/2)*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)	Attestation of conformity system(s)
Watertight covering kits for wetroom floors and walls	For building works	—	2+

System 2 +: see Directive 89/106/EEC Annex III.2.(ii), first possibility including certification of 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 the factory production control.

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 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.

Watertight covering kits for wetroom floors and walls (2/2)*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)
Watertight covering kits for wetroom floors and walls	For uses subject to regulations on reaction to fire	A1 (*), A2 (*), B (*), C (*)	1
		A1 (**), A2 (**), B (**), C (**), D, E	3
		(A1 to E) (***), F	4

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

System 3: see Directive 89/106/EEC Annex III.2.(ii), second possibility.

System 4: see Directive 89/106/EEC Annex III.2.(ii), third possibility.

(*) Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

(**) Products/materials not covered by footnote (*).

(***) Products/materials that do not require to be tested for reaction to fire (e.g. products/materials of classes A1 according to Commission Decision 96/603/EC, as amended).

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 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.

COMMISSION DECISION

of 12 September 2003

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards seven products for European technical approvals without Guideline

*(notified under document number C(2003) 3247)***(Text with EEA relevance)**

(2003/656/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:

- (1) 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. 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 required.
- (2) Article 13(4) requires that the procedure thus determined shall be indicated in the mandates and in the technical specifications. It is therefore desirable to identify the products or family of products referred to in the technical specifications.
- (3) The two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC. It is necessary therefore to specify clearly the methods by which the two procedures shall be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.
- (4) 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 point (ii) of section 2 of Annex III. The proce-

cedure referred to in Article 13(3)(b) corresponds to the systems set out in Annex III(2)(i), and in the first possibility, with continuous surveillance, of Annex III(2)(ii).

- (5) 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 and families of 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 control or of the product itself.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in the European technical approvals.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 September 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

⁽²⁾ OJ L 220, 30.8.1993, p. 1.

ANNEX I

- Surface water repellent product — hydrophobic agents based on organometallic substances (EOTA ref. **06.05/02**):
to be used for the treatment of porous building materials, mostly in facades.
- Sealing kits, profiles and strips (EOTA ref. **06.05/01** and **06.05/04**):
to be used as sealing joints in construction works, including the building envelope for reasons of weather tightness.

ANNEX II

- Single point supported vertical glazing (EOTA ref. **04.04/25**):
to be used for ventilated curtain wall facades or for space-enclosing vertical glazing.
- Point fastener (EOTA ref. **06.02/03**):
to be used for pinned fastenings of suspended claddings.
- Coating system eliminating electrostatic charges for facilities used for storage filling and handling of water endangering liquids (EOTA ref. **06.05/13**):
to be used for the sealing of collecting basins, rooms as well as for reinforced concrete surfaces in the case of handling of certain water endangering liquids.
- Coating system for facilities for the storage, filling and handling of water endangering liquids (EOTA ref. **06.05/14**):
to be used for the sealing of collecting basins, rooms as well as for reinforced concrete surfaces in the case of handling of certain water endangering liquids.
- Joints sealing compounds and profiles (EOTA ref. **06.05/11** and **06.05/12**):
to be used for the sealing of construction works or parts of them used for containment, filling and handling of water endangering substances.

ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

Product family: products for ETAs without Guideline (1/2)*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 European technical approvals:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Single point supported vertical glazing (EOTA ref. 04.04/25)	In building works	—	1
Point fastener (EOTA ref. 06.02/03)	In building works	—	2+
Surface water repellent product, hydrophobic agents based on organometallic substances (EOTA ref. 06.05/02)	In building works	—	4
Coating system eliminating electrostatic charges for facilities used for storage filling and handling of water endangering liquids (EOTA ref. 06.05/13)	In building works	—	2+
Coating system to be used for facilities for the storage, filling and handling of water endangering liquids (EOTA ref. 06.05/14)	In building works	—	2+
Sealing kits, profiles and strips (EOTA ref. 06.05/01 and 06.05/04)	In building works	—	4
Joints sealing compounds and profiles (EOTA ref. 06.05/11 and 06.05/12)	In building works	—	2+

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

System 2+: see Directive 89/106/EEC Annex III(2)(ii), first possibility including certification of 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 the factory production control.

System 4: see Directive 89/106/EEC Annex III(2)(ii), third possibility.

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 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.

Product family: products for ETAs without Guideline (2/2)*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 European technical approvals:

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Single point supported vertical glazing (EOTA ref. 04.04/25) Point fastener (EOTA ref. 06.02/03) Surface water repellent product, hydrophobic agents based on organometallic substances (EOTA ref. 06.05/02) Coating system eliminating electrostatic charges for facilities used for storage filling and handling of water endangering liquids (EOTA ref. 06.05/13) Coating system to be used for facilities for the storage, filling and handling of water endangering liquids (EOTA ref. 06.05/14) Sealing kits, profiles and strips (EOTA ref. 06.05/01 and 06.05/04) Joints sealing compounds and profiles (EOTA ref. 06.05/11 and 06.05/12)	For uses subject to regulations on reaction to fire	A1 (*), A2 (*), B (*), C (*) A1 (**), A2 (**), B (**), C (**), D, E (A1 to E) (***), F	1 3 4

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

System 3: see Directive 89/106/EEC Annex III(2)(ii), second possibility.

System 4: see Directive 89/106/EEC Annex III(2)(ii), third possibility.

(*) Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

(**) Products/materials not covered by footnote (*).

(***) Products/materials that do not require to be tested for reaction to fire (e.g. products/materials of classes A1 according to Commission Decision 96/603/EC as amended).

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 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.