

L.N. 270 of 2001

**PRODUCT SAFETY ACT
(ACT NO. V OF 2001)**

Construction Products Regulations, 2001

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, 2001, the Minister for Economic Services, on the advice of the Malta Standards Authority, has made the following regulations:—

Citation and
commencement.

1.1. The title of these regulations is the Construction Products Regulations, 2001.

1.2. These regulations shall become operative on the 1st July, 2002, which date shall be notified by the Authority in the Government Gazette.

1.3. The following Mandatory Orders are hereby repealed:

— M1 of 1988 – Hot Rolled Steel Bars for the Reinforcement of Concrete (LN 47 of 1988).

— M6 of 1980 – Ready-Mixed Undercoat for Enamel Paint (LN 95 of 1980)

— M8 of 1981 – Steel Fabric for the Reinforcement of Concrete (LN 16 of 1981).

— M11 of 1982 – Red Oxide Priming Paint (LN 73 of 1982).

— M12 of 1982 – Red Lead Priming Paint (LN 74 of 1982).

— M13 of 1985 – Plastic Emulsion Paint (LN 10 of 1985).

— M14 of 1985 – Flexible Polyurethane Foam (LN 39 of 1985).

— M20 of 1987 – Polyethylene Damp-Proof Courses for Masonry (LN 60 of 1987).

Scope.

2.1. These regulations shall apply to construction products in so far as the essential requirements in respect of construction works referred to in regulation 3.1.18 of these regulations relate to them.

3.1. For the purposes of these regulations, the following Definitions, definitions shall apply:

3.1.1. “Construction product” means any product which is produced for incorporation in a permanent manner in construction works, including both buildings and civil engineering works.

3.1.2. “Construction products” are hereinafter referred to as “products”.

3.1.3. “Construction works” including both buildings and civil engineering works are hereinafter referred to as “works”.

3.1.4. “Minor part products” means construction products which are included in a list of products which play a minor part with respect to health and safety drawn up, managed and revised periodically by the European Commission.

3.1.5. “The Directive” means Council Directive 89/106/EEC¹ as amended by Council Directive 93/68/EEC² on the approximation of the laws of the member States relating to construction products.

3.1.6. “Approved body” means an approved laboratory, a certification body or an inspection body.

3.1.6.1. “Approved laboratory” means a testing laboratory designated for the purposes of The Directive by a Member State and notified by that Member State to the European Commission.

3.1.6.2. “Certification body” means a body designated as a certification body for the purposes of The Directive by a Member State and notified by that Member State to the European Commission.

3.1.6.3. “Inspection body” means a body designated as an inspection body for the purposes of The Directive by a Member State and notified by that Member State to the European Commission.

3.1.7. “Technical specification” refers to both standards and technical approvals.

¹ OJ No. L40, 11-02-89, P. 12

² OJ No. L220, 30-08-93, P. 01

3.1.7.1. “Harmonised Standard” means a technical specification adopted by the European Committee for Standardization (CEN) or the European Committee for Electrotechnical Standardization (CENELEC) or the European Telecommunications Standards Institute (ETSI), upon a remit from the European Commission in accordance with Council Directive 98/34/EC³ of the European Parliament and of the Council, laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC⁴ of the European Parliament and of the Council.

3.1.7.2. “National Standard transposing the Harmonised Standard” means a Standard issued by one of the members of CEN/CENELEC/ETSI which is declared and noted to be technically equivalent to the Harmonised Standard originally issued by CEN/CENELEC/ETSI.

3.1.7.3. “European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of The Directive by a body authorised by a Member State to issue European technical approvals for those purposes and notified by that Member State to the European Commission.

3.1.8. “OJ” means the Official Journal of the European Communities.

3.1.9. “Community” means the European Community.

3.1.10. “EC certificate of conformity” means a certificate of conformity issued by a certification body in accordance with paragraphs 1 to 3 of Schedule II to these regulations.

3.1.11. “CE marking” means the CE conformity marking consisting of the symbol “CE” as set out in Schedule II to these regulations.

3.1.12. “Manufacturer” means the person, who is primarily responsible for designing and manufacturing the products so that they comply with the requirements of these regulations.

³ OJ No. L204, 21-07-98, P. 37

⁴ OJ No. L217, 05-08-98, P. 18

3.1.13. “Local authorised representative” means any person (or organisation) established in Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by these regulations.

3.1.14. “Importer” means any person who imports goods produced outside, and imported into Malta, and includes goods produced in Malta, exported therefrom, and afterwards imported thereinto.

3.1.15. “Person who supplies products” means wholesalers, distributors, retailers, and such other suppliers.

3.1.16. “Responsible person” in relation to products means:

- (a) the manufacturer thereof;
- (b) the manufacturer’s local authorised representative;
- or
- (c) where the manufacturer is not established in Malta and he has not appointed a local authorised representative, the person who places the products on the local market.

3.1.17. “Placing on the market” means importation, wholesale, retail sale and distribution free of charge.

3.1.18. “The essential requirements” means requirements applicable to works which may influence the technical characteristics of a construction product as set out in terms of the objectives in Schedule I to these regulations and as they may be given concrete form in documents (interpretative documents) published in the ‘C’ series of the Official Journal of the European Communities.

3.1.19. “Factory production control” means the permanent internal control of production exercised by the manufacturer, whereby:

3.1.19.1. all the elements, requirements and provisions adopted by the manufacturer are documented in a systematic manner in the form of written policies and procedures, and

3.1.19.2. that documentation ensures a common understanding of quality assurance and enables the achievement of the required product characteristics and the

effective operation of the production control system to be checked.

3.1.20. "The acknowledged rule of technology" means technical provision acknowledged by a majority of representative experts as reflecting the developed stage of technical capability at a given time as regards products, processes and services, based on the relevant consolidated findings of science, technology and experience.

Applicability.

4.1. The provisions of these regulations are applicable to all imported products as well as to those manufactured for the local market.

4.1.1. No person may manufacture, import, place on the market or put into service any construction product which do not comply with the provisions of these regulations.

Conformity and Requirements.

5.1. Products referred to in regulations 2.1 and 3.1 of these regulations, which are intended for use in works, may be placed on the market only if they are fit for this intended use, that is to say they have such characteristics that the works in which they are to be incorporated, assembled, applied or installed, can, if properly designed and built, satisfy the essential requirements referred to in regulation 3.1.18 of these regulations and Article 3 of The Directive when and where such works are subject to regulations containing such requirements.

5.1.1. A minor part product shall have been manufactured in compliance with, and the manufacturer shall have issued in respect of the product a declaration of compliance with, the acknowledged rule of technology.

5.2. The free movement, placing on the market or use in the Maltese territory of products which satisfy the provisions of these regulations shall not be impeded.

5.2.1. The use of such products, for the purpose for which they were intended, shall not be impeded by rules or conditions imposed by public bodies or private bodies acting as a public undertaking or acting as a public body on the basis of a monopoly position.

5.3. The Director of Consumer Affairs shall, however, allow products not covered by regulation 6.1 of these regulations to be placed on the local market if they satisfy national provisions consistent with the Treaty establishing the European Community until the European technical specifications referred to in Chapters II and III of The Directive provide otherwise.

5.3.1. If the relevant European technical specifications, either themselves or on the basis of the interpretative documents referred to in Article 3 (3) of The Directive, distinguish between different classes corresponding to different performance levels, the Malta Standards Authority may determine the performance levels also to be observed in the Maltese territory only within the classifications adopted at Community level and only subject to the use of all or some classes or one class.

6.1. Products are presumed fit for their intended use if they enable works in which they are employed, provided the latter are properly designed and built, to satisfy the essential requirements referred to in regulation 3.1.18 of these regulations and Article 3 of The Directive where such products bear the CE marking indicating that they satisfy all the provisions of these regulations, including the conformity assessment procedures laid down in Chapter V of The Directive and the procedure laid down in Chapter III of The Directive.

CE marking and
certificates of
conformity.

6.1.1. The CE marking shall indicate:

(a) that they comply with the relevant national standards transposing the harmonized standards, references to which have been published in the Official Journal of the European Communities,

(b) that they comply with a European technical approval, delivered according to the procedure of Chapter III of The Directive, or

(c) that they comply with the national technical specifications referred to in Article 4 (3) of The Directive in as much as harmonized specifications do not exist; a list of these national specifications shall be drawn up according to the procedure in Article 5 (2) of The Directive.

6.2. Where a manufacturer, or his local authorised representative, has not applied, or has applied only in part, the existing technical specifications referred to in regulation 6.1 of these regulations, which require, according to the criteria set out in Article 13 (4) of The Directive, the product to be submitted for a declaration of conformity as defined in Schedule II (2) (ii), second and third possibilities, the corresponding decisions under Article 13 (4) of The Directive and Schedule II to these regulations shall apply and such a product's fitness for use within the meaning of regulation 5.1 of these regulations shall be established in accordance with the procedure set out in Schedule II (2) (ii), second possibility.

6.3. The CE marking signifies that products satisfy the requirements of regulations 6.1 and 6.2 of these regulations.

6.3.1. It is for the manufacturer or his local authorised representative to take responsibility for affixing the CE marking on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents.

6.3.2. The model of the CE marking and conditions of its use are given in Schedule II to these regulations.

6.3.3. Products referred to in regulation 3.1.4 shall not bear the CE marking.

Withdrawal and
prohibition from
market.

7.1. Where it is ascertained that a product declared to be in conformity with the terms of these regulations does not comply with regulations 5.1 and 6.1 of these regulations and Articles 2 and 3 of The Directive, all appropriate measures shall be taken by the Director of Consumer Affairs to withdraw those products from the market, prohibit the placing thereof on the market or restrict free movement thereof.

7.1.1. The Director of Consumer Affairs shall take appropriate action against whomsoever made the declaration of conformity.

7.2. The Director of Consumer Affairs shall immediately inform the Head of the Consumer and Industrial Goods Directorate⁵ of the Malta Standards Authority of any such measure, indicating the reason for its decision.

7.3. Any decision taken pursuant to these regulations which restricts the placing on the market and putting into service of products shall state the exact grounds on which it is based.

7.3.1. Such a decision shall be notified as soon as possible to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in Malta and of the time limits to which such remedies are subject.

7.4. The Head of the Consumer and Industrial Goods Directorate of the Malta Standards Authority shall immediately inform the Commission of any measures taken in pursuance of regulations 7.1, 7.1.1, 7.2, 7.3 and 7.3.1.

⁵ L.N. 213 of 2000 – Malta Standards Authority (Establishment of Directorates) Order, 2000, published in the Government Gazette No. 17,002 of 20th October, 2000.

8.1. The manufacturer, or his local authorised representative, shall be responsible for the attestation that products are in conformity with the requirements of a technical specification within the meaning of regulations 6.1, 6.2 and 6.3 of these regulations and Article 4 of The Directive.

8.2. Products that are the subject of an attestation of conformity shall benefit from the presumption of conformity with technical specifications within the meaning of regulations 6.1, 6.2 and 6.3 of these regulations and Article 4 of The Directive.

8.2.1. Conformity shall be established by means of testing or other evidence on the basis of the technical specifications in accordance with Schedule II to these regulations.

8.3. The attestation of conformity of a product is dependent on:

(a) the manufacturer having a factory production control system to ensure that production conforms with the relevant technical specifications; or

(b) for particular products indicated in the relevant technical specifications, in addition to a factory production control system, an approved certification body being involved in assessment and surveillance of the production control or of the product itself.

8.4. The choice of the procedure within the meaning of regulation 8.3 of these regulations for a given product or family of products is specified by the Commission (refer to Schedule III of these regulations), after consultation of the Committee referred to in Article 19 of The Directive, according to:

(a) the importance of the part played by the product with respect to the essential requirements, in particular those relating to health and safety;

(b) the nature of the product;

(c) the effect of the variability of the product's characteristics on its serviceability;

(d) the susceptibility to defects in the product manufacture; in accordance with the particulars set out in Schedule II to these regulations.

8.4.1. In each case, the least onerous possible procedure consistent with safety shall be chosen.

8.4.2. The procedure thus determined shall be indicated in the mandates and in the technical specifications or in the publication thereof.

8.5. In the case of individual (and non-series) production, a declaration of conformity in accordance with Schedule II (2) (ii), third possibility, shall suffice, unless otherwise provided by the technical specifications for products which have particularly important implications for health and safety.

EC Declaration of
Conformity.

9.1. In accordance with Schedule II to these regulations, the procedures described shall lead:

(a) in the case of regulation 8.3 (a), to the production of declaration of conformity for a product by the manufacturer, or his local authorised representative; or

(b) in the case of regulation 8.3 (b), to the issue by an approved certification body of a certificate of conformity for a system of production control and surveillance or for the product itself.

9.1.1. Detailed rules for the implementation of the procedures of attestation of conformity are given in Schedule II to these regulations.

9.2. The manufacturer's declaration of conformity or the certificate of conformity shall entitle the manufacturer, or his local authorised representative, to affix the corresponding CE marking on the product itself, on a label attached to it, on its packaging or on the accompanying commercial documents. The model of the CE marking and the rules for its use in respect of each of the procedures of attestation of conformity are given in Schedule II to these regulations.

9.3. The responsible person shall, for a period of 10 years after the material date, keep the EC certificate of conformity or, as the case may be, the EC declaration of conformity relating to the product, or a copy of it, available for inspection by the Director of Consumer Affairs and, if required to do so by such authority at a reasonable time, produce the document so kept and permit his officers to take copies of it.

9.3.1. Where the person who has affixed the CE marking to a construction product is established in Malta, the material date means the date on which the CE marking is affixed.

9.3.2. Where the person who has affixed the CE marking to a construction product is not established in Malta, the material date means the date on which the product is first supplied in Malta.

9.4. A person who supplies a construction product which does not bear the CE marking shall give to the Director of Consumer Affairs, or any of his officers, all information which he has about the product and which the Director or his officer may reasonably require for the purposes of ascertaining whether the product satisfies the requirement in regulation 5.1 of these regulations or is one to which these regulations do not apply.

10.1. The CE conformity marking shall consist of the initials “CE” in the form shown in the specimen in Schedule II to these regulations. Conformity marking.

10.2. Without prejudice to regulation 7 of these regulations and Article 21 of The Directive:

10.2.1. where it is established that the CE marking has been affixed unduly, the responsible person shall be obliged to make the product conform as regards the provisions concerning the CE marking and to end the infringement under conditions imposed by the Director of Consumer Affairs;

10.2.2. where non-conformity continues, all appropriate measures shall be taken by the Director of Consumer Affairs to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market in accordance with the procedures laid down in regulation 7 of these regulations and Article 21 of The Directive.

10.3. All necessary measures shall be taken by the Director of Consumer Affairs to prohibit the affixing to products or their packaging of markings which are likely to deceive third parties as to the meaning and form of the CE marking.

10.3.1. Any other marking may be affixed to the construction products on a label affixed to the product packaging or on the accompanying commercial documents provided that the visibility and legibility of the CE marking is not thereby reduced.

11.1 For the purpose of article 40(1) of the Product Safety Act, 2001, Schedule III to these regulations shall be published in the English Language only.

SCHEDULE I

Annex I of The Directive

ESSENTIAL REQUIREMENTS

The products must be suitable for construction works which (as a whole and in their separate parts) are fit for their intended use, account being taken of economy, and in this connection satisfy the following essential requirements where the works are subject to regulations containing such requirements. Such requirements must, subject to normal maintenance, be satisfied for an economically reasonable working life. The requirements generally concern actions which are foreseeable.

1. Mechanical resistance and stability

The construction works must be designed and built in such a way that the loadings that are liable to act on it during its constructions and use will not lead to any of the following:

- (a) collapse of the whole or part of the work;
- (b) major deformations to an inadmissible degree;
- (c) damage to other parts of the works or to fittings or installed equipment as a result of major deformation of the load-bearing construction;
- (d) damage by an event to an extent disproportionate to the original cause.

2. Safety in case of fire

The construction works must be designed and built in such a way that in the event of an outbreak of fire:

- the load-bearing capacity of the construction can be assumed for a specific period of time,
- the generation and spread of fire and smoke within the works are limited,
- the spread of the fire to neighbouring construction works is limited,
- occupants can leave the works or be rescued by other means,
- the safety of rescue teams is taken into consideration.

3. Hygiene, health and the environment

The construction work must be designed and built in such a way that it will not be a threat to the hygiene or health of the occupants or neighbours, in particular as a result of any of the following:

- the giving-off of toxic gas,
- the presence of dangerous particles or gases in the air,
- the emission of dangerous radiation,
- pollution or poisoning of the water or soil,
- faulty elimination of waste water, smoke, solid or liquid wastes,
- the presence of damp in parts of the works or on surfaces within the works.

4. Safety in use

The construction work must be designed and built in such a way that it does not present unacceptable risks of accidents in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion.

5. Protection against noise

The construction works must be designed and built in such a way that noise perceived by the occupants or people nearby is kept down to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.

6. Energy economy and heat retention

The construction works and its heating, cooling and ventilation installations must be designed and built in such a way that the amount of energy required in use shall be low, having regard to the climatic conditions of the location and the occupants.

SCHEDULE II

Based on Annex III of The Directive

ATTESTATION OF CONFORMITY WITH TECHNICAL SPECIFICATIONS

1. METHODS OF CONTROL OF CONFORMITY

When the procedures for attestation of conformity of a product with technical specifications pursuant to regulation 8 of these regulations are being determined, the following methods of control of conformity shall be used; the choice and combination of methods for any given system shall depend on requirements for the particular product or group of products according to the criteria indicated in regulations 8.3 and 8.4 of these regulations:

- (a) initial type-testing of the product by the manufacturer or an approved body;
- (b) testing of samples taken at the factory in accordance with a prescribed test plan by the manufacturer or an approved body;
- (c) audit-testing of samples taken at the factory, on the open market or on a construction site by the manufacturer or an approved body;
- (d) testing of samples from a batch which is ready for delivery, or has been delivered, by the manufacturer or an approved body;
- (e) factory production control;
- (f) initial inspection of factory and of factory production control by an approved body;
- (g) continuous surveillance, judgement and assessment of factory production control by an approved body.

In these regulations, factory production control means the permanent internal control of production exercised by the manufacturer. All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic manner in the form of written policies and procedures. This production control system documentation shall ensure a common understanding of quality assurance and enable the achievement of the required product characteristics and the effective operation of the production control system to be checked.

2. SYSTEMS OF CONFORMITY ATTESTATION

Preference is given to application of the following systems of conformity attestation.

(i) Certification of the conformity of the product by an approved certification body on the basis of:

(a) *(tasks for the manufacturer)*

(1) factory production control;

(2) further testing of samples taken at the factory by the manufacturer in accordance with a prescribed test plan;

(b) *(tasks for the approved body)*

(3) initial type-testing of the product;

(4) initial inspection of factory and of factory production control;

(5) continuous surveillance, assessment and approval of factory production control;

(6) possibly, audit-testing of samples taken at the factory, on the market or on the construction site.

(ii) Declaration of conformity of the product by the manufacturer on the basis of:

First possibility:

(a) *(tasks for the manufacturer)*

(1) initial type-testing of the product;

(2) factory production control;

(3) possibly, testing of samples taken at the factory in accordance with a prescribed test plan;

(b) *(tasks for the approved body)*

(4) certification of factory production control on the basis of:

- initial inspection of factory and of factory production control,

B 2960

- possibly, continuous surveillance, assessment and approval of factory production control.

Second possibility:

- (1) initial type-testing of the product by an approved laboratory;
- (2) factory production control.

Third possibility:

- (a) initial type-testing by the manufacturer;
- (b) factory production control.

3. BODIES INVOLVED IN THE ATTESTATION OF CONFORMITY

With respect to the function of the bodies involved in the attestation of conformity, distinction shall be made between

(i) *certification body*, which means an impartial body, governmental or non-governmental, possessing the necessary competence and responsibility to carry out conformity certification according to given rules of procedure and management;

(ii) *inspection body*, which means an impartial body having the organization, staffing, competence and integrity to perform according to specified criteria functions such as assessing, recommending for acceptance and subsequent audit of manufacturers' quality control operations, and selection and evaluation of products on site or in factories or elsewhere, according to specific criteria;

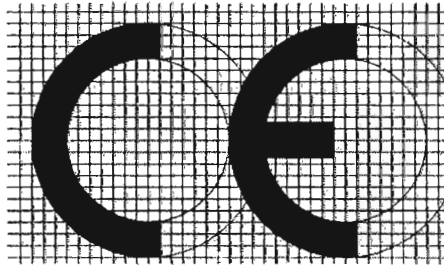
(iii) *testing laboratory*, which means a laboratory which measures, examines, tests, calibrates or otherwise determines the characteristics or performance of materials or products.

In case (i) and (ii) (first possibility) of paragraph 2 of this Schedule, the three functions 3 (i) to (iii) may be performed by one and the same body or by different bodies, in which case the inspection body and/or the testing laboratory involved in the attestation of conformity carries out its function on behalf of the certification body.

For the criteria concerning the competence, impartiality and integrity of certification bodies, inspection bodies and testing laboratories, see Annex IV of The Directive.

4. CE CONFORMITY MARKING

The CE conformity marking shall consist of the initials “CE” taking the following form:



For the avoidance of doubt, it is hereby declared that the grid providing the background in the above graduated drawing is not part of the CE marking.

- If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.
- The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5mm.
- The CE marking shall be followed by the identification number of the body involved in the production control stage.

Additional information

The CE marking shall be accompanied by the name or identifying mark of the producer, the last two digits of the year in which the marking was affixed, and where appropriate, the number of the EC certificate of conformity and, where appropriate, indications to identify the characteristics of the product on the basis of technical specifications.

SKEDA I

Anness I ta' Id-Direttiva

HTIGIET ESSENZJALI

Il-prodotti ghandhom ikunu adattati ghal xoghlijiet ta' kostruzzjoni li (kemm shah u kemm bhala partijiet separati) huma tajbin ghall-użu li huma mahsubin ghalih, waqt li jittiehed kas ta' l-ekonomija, u f'din il-konnessjoni jissodisfaw il-htigiet essenzzjali li ġejjin fejn ix-xoghlijiet huma soġġetti ghal regolamenti li jkun fihom dawn il-htigiet. Dawk il-htigiet ghandhom, soġġett ghall-manutenzjoni normali, ikunu sodisfaċenti biex jiżguraw tul ta' żmien ta' operazzjoni raġonevolment ekonomiku. Il-htigiet, b'mod generali, ghandhom x'jaqsmu ma' azzjonijiet li wiehed jista' jipprevedihom.

1. Reżistenza u stabilità mekkanika

Ix-xoghlijiet ta' kostruzzjoni ghandhom ikunu ddisinjati u mibnija b'mod li l-piżijiet li jista' jkollhom jerfghu waqt il-kostruzzjoni u l-użu ma jwasslux ghal xi wiehed minn dawn li ġejjin:

- (a) kollass tax-xoghol kollu jew ta' parti minnu;
- (b) deformazzjonijiet maġġuri fi grad inaċċettabbli;
- (ċ) hsara lil partijiet ohra tax-xoghlijiet jew lil attrezzaturi jew lil taghmir stallat b'rizultat ta' deformazzjoni maġġura tal-kostruzzjoni li terfa' l-piż;
- (d) hsara minn avveniment li tkun sproporzjonata ghall-kawża oriġinali tal-hsara.

2. Sigurtà f'każ ta' hruq

Ix-xoghlijiet ta' kostruzzjoni ghandhom ikunu ddisinjati u mibnija b'mod li fil-każ ta' qbid ta' hruq:

- wiehed jista' jassumi li l-kapaċità tar-rfiġ tal-piż tal-kostruzzjoni żżomm ghal perijodu ta' żmien speċifikat,
- il-ġenerazzjoni u t-tixrid tal-hruq u duhhan fix-xoghlijiet ikunu limitati,
- it-tixrid tal-hruq ghal xoghlijiet ta' kostruzzjoni fil-qrib ikun limitat,
- min ikun fil-post ikun jista' johroġ mix-xoghlijiet jew ikun salvat b'mezzi ohra,
- jittiehed kas tas-sigurtà tal-gruppi ta' salvataġġ.

3. Iġjene, saħħa u l-ambjent

• Ix-xogħol ta' kostruzzjoni għandu jkun iddisinjat u mibni b'mod li ma jkunx ta' theddida għall-iġjene jew saħħa ta' min ikun joqgħod fih jew tal-ġirien, b'mod partikolari minhabba xi wiehed minn dawn li ġejjin:

- il-hruġ ta' gass tossiku,
- il-preżenza ta' particeġli perikolużi jew ta' gassijiet fl-arja,
- il-hruġ ta' radjazzjoni perikoluża,
- it-tiġis jew l-avvelenament ta' l-ilma jew tal-ħamrija,
- l-eliminazzjoni difettuża ta' ilma mahmuġ, duħħan, jew skart solidu jew likwidu,
- il-preżenza ta' umdità f'partijiet tax-xogħlijiet jew fuq superficji fix-xogħlijiet.

4. Sigurtà fl-użu

Ix-xogħol ta' kostruzzjoni għandu jkun iddisinjat u mibni b'mod li ma jipprezentax riskji mhux aċċettabbli ta' aċċidenti waqt l-użu jew thaddim bħalma huma żliq, waġiġh, habtiet, hruq fil-ġisem, xokkijiet elettrici, korrimenti minn xi splużjoni.

5. Harsien mill-hsejjes

Ix-xogħlijiet ta' kostruzzjoni għandhom ikunu ddisinjati u mibnija b'mod li hsejjes li jinstemghu minn min joqgħod fil-post jew nies fil-qrib jinżammu baxxi f'livell li ma jkunx ta' theddida għal saħħithom u li jkun jippermettilhom jorqdu, jistrieħu u jahdmu f'kondizzjonijiet sodisfaċenti.

6. Ekonomija fl-enerġija u li s-shana tinżamm ġewwa

Ix-xogħlijiet ta' kostruzzjoni u l-istallazzjonijiet ta' tishin, tiksih u ventilazzjoni għandhom ikunu ddisinjati u mibnija b'mod li l-ammont ta' enerġija meħtieġ biex jintuża jkun baxx, fil-qies tal-kondizzjonijiet klimatiċi tal-lok u ta' dawħ li joqgħod fih.

SKEDA II

Ibbażata fuq Anness III ta' Id-Direttiva**ATTESTAZZJONI TA' KONFORMITÀ MA'
SPECIFIKAZZJONIJIET TEKNIČI****1. METODI TA' KONTROLL TAL-KONFORMITÀ**

Meta jkunu qed jiġu stabbiliti l-proċeduri għall-attezzazzjoni tal-konformità ta' prodott ma' speċifikazzjonijiet tekniċi li johorġu minn regolament 8 ta' dawn ir-regolamenti, għandhom jintużaw il-metodi ta' kontroll tal-konformità li ġejjin: l-għażla u tagħqid flimkien ta' metodi għal xi sistema speċifika għandhom jiddependu mill-htigiet tal-prodott partikolari jew grupp ta' prodotti skond il-kriterji indikati f'regolamenti 8.3 u 8.4 ta' dawn ir-regolamenti:

- (a) l-ittezzjar inizjali tat-tip tal-prodott mill-manifattur jew minn korp approvat;
- (b) l-ittezzjar ta' kampjuni mehudin mill-fabbrika skond pjan ta' ttezzjar preskritt mill-manifattur jew minn korp approvat;
- (ċ) l-ittezzjar awditjat ta' kampjuni mehudin mill-fabbrika, mis-suq jew minn sit ta' kostruzzjoni mill-manifattur jew minn korp approvat;
- (d) l-ittezzjar ta' kampjuni mehudin minn grupp li jkun lest għall-kunsinna, jew li jkun ġie kkonsenjat, mill-manifattur jew minn korp approvat;
- (e) kontroll tal-produzzjoni fil-fabbrika;
- (f) spezzjoni inizjali tal-fabbrika u tal-kontroll tal-produzzjoni fil-fabbrika minn korp approvat;
- (g) sorveljanza, ġudizzju u valutazzjoni kontinwi tal-kontroll tal-produzzjoni fil-fabbrika minn korp approvat.

F'dawn ir-regolamenti, kontroll tal-produzzjoni fil-fabbrika tfisser il-kontroll intern permanenti tal-produzzjoni li jsir mill-manifattur. L-elementi, htigiet u provvedimenti kollha adottati mill-manifattur għandhom ikunu dokumentati b'mod sistematiku f'forma ta' pratki u proċeduri miktubin. Din is-sistema ta' kontroll tal-produzzjoni għandha tiżgura għarfien komuni ta' l-assigurazzjoni tal-kwalità u twassal biex jiġi jkun verifikat li jintlaħqu l-karatteristiċi mehtieġa mill-prodott u t-thaddim effettiv tas-sistema ta' kontroll tal-produzzjoni.

2. SISTEMI TA' ATTESTAZZJONI TAL-KONFORMITÀ

Tingħata preferenza għall-applikazzjoni tas-sistemi ta' attestazzjoni tal-konformità li ġejjin.

- (i) ċertifikazzjoni tal-konformità tal-prodott minn korp ta' ċertifikazzjoni approvat fuq il-bażi ta':

(a) *(xogħol li jrid isir mill-manifattur)*

• (1) kontroll tal-produzzjoni fil-fabbrika;

(2) aktar ittestjar ta' kampjuni meħudin mill-fabbrika mill-manifatur skond pjan ta' ttestjar preskritt;

(b) *(xogħol li jrid isir mill-korp approvat)*

(3) ittestjar inizjali tat-tip tal-prodott;

(4) spezzjoni inizjali tal-fabbrika u tal-kontroll tal-produzzjoni tal-fabbrika;

(5) sorveljanza, valutazzjoni u approvazzjoni kontinwi tal-kontroll tal-produzzjoni tal-fabbrika;

(6) possibilment, ittestjar awditjat ta' kampjuni meħudin mill-fabbrika, mis-suq jew mis-sit tal-kostruzzjoni.

(ii) Dikjarazzjoni ta' konformità tal-prodott mill-manifattur fuq il-bażi ta':

L-ewwel possibiltà:

(a) *(xogħol li jrid isir mill-manifattur)*

(1) ittestjar inizjali tat-tip tal-prodott;

(2) kontroll tal-produzzjoni fil-fabbrika;

(3) possibilment, ittestjar ta' kampjuni meħudin mill-fabbrika skond pjan ta' ttestjar preskritt:

(b) *(xogħol li jrid isir mill-korp approvat)*

(4) ċertifikazzjoni tal-kontroll tal-produzzjoni fil-fabbrika fuq il-bażi ta':

- spezzjoni inizjali tal-fabbrika u tal-kontroll tal-produzzjoni fil-fabbrika;

- possibilment, sorveljanza, valutazzjoni u approvazzjoni kontinwi tal-kontroll tal-produzzjoni tal-fabbrika.

It-tieni possibiltà:

(1) ittestjar inizjali tat-tip tal-prodott minn laboratorju approvat;

B 2966

(2) kontroll tal-produzzjoni fil-fabbrika.

• **It-tielet possibiltà:**

(a) ittestjar inizjali tat-tip tal-prodott mill-manifattur;

(b) kontroll tal-produzzjoni fil-fabbrika.

3. KORPI INVOLUTI FL-ATTESTAZZJONI TAL-KONFORMITÀ

Fir-rigward tal-funzjoni tal-korpi involuti fl-attestazzjoni tal-konformità, għandha ssir distinzjoni bejn

(i) *corp ta' ċertifikazzjoni*, li jfisser corp imparzjali, governattiv jew mhux governattiv, li jkollu l-kompetenza neċessarja u r-responsabbiltà li jagħmel ċertifikazzjoni ta' konformità skond regoli speċifiċi ta' proċedura u mmanigġjar:

(ii) *corp ta' spezzjoni*, li jfisser corp imparzjali li jkollu l-organizzazzjoni, in-nies, il-kompetenza u l-integrità biex jaqdi, skond kriterji speċifiċi, funzjonijiet bħalma huma valutazzjoni, irrikmandar għal aċċettazzjoni u awditjar sussegwenti ta' l-operazzjonijiet ta' kontroll ta' kwalità mill-manifattur, u l-għażla u evalwazzjoni ta' prodotti fuq il-post jew fil-fabbrika jew xi mkien ieħor, skond kriterji speċifiċi:

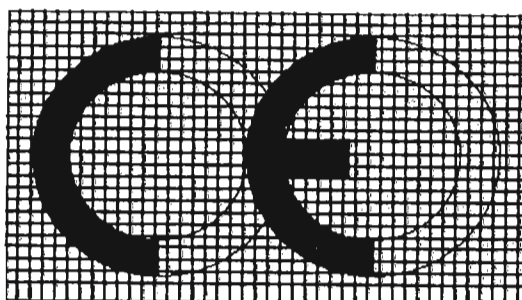
(iii) *laboratorju għall-ittestjar*, li jfisser laboratorju li jkejjel, jeżamina, jittestja, jikkalibra jew xort'ohra jistabbilixxi il-karatteristiċi ta' materjali u prodotti jew kif jaġixxu.

F'każi (i) u (ii) (l-ewwel possibiltà) ta' paragrafu 2 ta' din l-Iskeda, it-tliet funzjonijiet 3 (i) sa (iii) jistghu jsiru mill-istess corp jew minn korpi differenti, f'liema każ il-corp ta' spezzjoni u/jew il-laboratorju ta' l-ittestjar involut fl-attestazzjoni ta' konformità jaqdi l-funzjonijiet tiegħu f'isem il-corp ta' ċertifikazzjoni.

Għall-kriterji li għandhom x'jaqsmu mal-kompetenza, imparzjalità u integrità tal-korpi ta' ċertifikazzjoni, korpi ta' spezzjoni u laboratorji ta' ittestjar, ara Anness IV ta' Id-Direttiva.

4. MARKA TA' KONFORMITÀ CE

• Il-marka ta' konformità CE ghandha tikkonsisti fl-inizjali "CE" fil-forma t'hawn taht:



Biex jiġi evitat kull dubju, qiegħed hawn jiġi dikjarat li l-grilja ta' linji li qiegħda fl-isfond tad-disinn gradat t'hawn fuq m'hix parti mill-marka CE.

- Jekk il-marka CE tiċçekken jew titkabbar, ghandhom jiġiharsu l-proporzjonijiet muriġa fid-disinn gradat t'hawn fuq.
- Id-diversi komponenti tal-marka CE ghandu jkollhom sostanzjalment l-istess qjies vertikali, li ma jistax ikun inqas minn 5mm.
- Il-marka CE ghandha tkun segwita minn-numru ta' identifikazzjoni tal-korp involut fl-istadju tal-kontroll tal-produzzjoni.

Tagħrif addizzjonali

Mal-marka CE ghandu jkun hemm l-isem jew il-marka ta' identifikazzjoni tal-produttur, l-ahhar żewġ numri tas-sena li fiha twahhlet il-marka, u, fejn adatt, in-numru taċ-ċertifikat ta' konformità EC u, fejn adatt, indikazzjonijiet li jidentifikaw il-karatteristiċi tal-prodott fuq il-bażi ta' l-ispeċifikazzjonijiet tekniċi.

Schedule III

**Comprehensive table of legal measures taken related to the
Construction Products Directive 89/106/EEC**

Reference Number	Measure	Official Journal
94/23/EC	Common procedural rules for European Technical Approval (ETA)	L017 20/01/94
94/C 62/01	Communication of the Commission with regard to the interpretative documents of Council Directive 89/106/EEC	C62 28/02/94
94/C 206/04	Communication of the Commission as part of the implementation of Council Directive 89/106/EEC on construction products as amended by Directive 93/68/EEC <i>Publication for information purposes of the names of bodies authorised to issue European Technical Approvals</i>	C206 26/07/94
94/611/EC	Commission Decision of 9 September 1994 implementing Article 20 of Directive 89/106/EEC on Construction Products (<i>Classes of reaction to fire performance of building products</i>)	L241 16/09/94
95/C 211/03	Communication of the Commission as part of the implementation of Council Directive 89/106/EEC on construction products as amended by Directive 93/68/EEC <i>Publication for information purposes of the names of bodies authorised to issue European Technical Approvals</i>	C211 15/08/95
96/603/EC	Commission Decision of 4 October 1996 establishing the list of products belonging to class A 'No contribution to Fire' provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products ⁶	L267 19/10/96
97/571/EC	Commission Decision of 22 July 1997 on the general format of European Technical Approval for Construction Products	L236 27/08/97

⁶ As amended by Commission Decision 2000/605/EC published on OJ L258 of 12/10/2000.

Reference Number	Measure	Official Journal
98/C 168/06	Communication of the Commission as part of the implementation of Council Directive 89/106/EEC on construction products as amended by Directive 93/68/EEC <i>(Publication for information purposes of the names of bodies authorised to issue European Technical Approvals)</i>	C168 03/06/98
98/457/EC	Commission Decision of 3 July 1998 concerning the Test of the Single Burning Item (SBI) referred to in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (notified under document number C(1998) 1743)	L201 17/07/98
2000/147/EC	Commission Decision of 8 February 2000 implementing Council Directive 89/106/EEC as regards the classification of the reaction to fire performance of construction products ⁷	L050 23/02/2000
2000/367/EC	Commission Decision of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof	L133 06/06/2000
2000/553/EC	Commission Decision of 9 September 2000 implementing Council Directive 89/106/EEC as regards the external fire performance of roof coverings	L235 19/09/2000
2001/671/EC	Commission Decision of 21 August 2001 implementing Council Directive 89/106/EEC as regards the classification of the external fire performance of roofs and roof coverings	L235 04/09/2001

⁷ As amended by (*Corrigendum*) published in OJ L085/43 of 24/03/2001.

B 2970

(For harmonised standards:)

Decision Number	Products covered	Official Journal
95/204/EC	Precast concrete products, Thermal Insulating products, Membranes, Doors, Windows and related products ⁸	L 129 14/07/95
95/467/EC	Gypsum products, Structural Bearings, Chimneys, Flues and specific products	L 268 10/11/95
96/577/EC	Fixed Fire fighting systems	L 254 08/10/96
96/578/EC	Sanitary appliances	L 254 08/10/96
96/579/EC	Circulation Fixtures ⁹	L 254 08/10/96
96/580/EC	Curtain walling	L 254 08/10/96
96/581/EC	Geotextiles	L 254 08/10/96
97/176/EC	Structural timber products	L 073 14/03/97
97/462/EC	Wood based panels	L 198 25/07/97
97/464/EC	Waste water engineering products	L 198 25/07/97
97/555/EC	Cement, Building limes and other hydraulic binders	L 229 20/08/97
97/597/EC	Reinforcing and prestressing steel for concrete	L 240 02/09/97
97/638/EC	Fasteners for Structural timber	L 268 01/10/97
97/740/EC	Masonry products	L 299 04/11/97
97/808/EC	Floorings ¹⁰	L 331 03/12/97
98/214/EC	Structural metallic products and ancillaries	L 080 18/03/98
98/436/EC	Roof coverings, rooflights, roof windows and ancillary	L 194 10/07/98
98/437/EC	Internal & external wall and ceiling finishes ¹¹	L 194 10/07/98

⁸ As amended by *Corrigendum* published in OJ L217/31 of 13/09/1995.

⁹ As amended by Commission Decision 1999/453/EC of 18 June 1999 (OJ L178/50 of 14/07/99)

¹⁰ As amended by Commission Decision 1999/453/EC of 18 June 1999 (OJ L178/50 of 14/07/99)

¹¹ As amended by Commission Decision 98/437/EC of 30 June 1998 (OJ L 278 of 15/10/98)

98/598/EC	Aggregates	L287 24/10/98
98/601/EC	Road construction products	L287 24/10/98
99/90/EC	Membranes (revision of decision 95/204/EC) ¹²	L029 03/02/99
99/91/EC	Thermal insulating products (revision of decision 95/204/EC) ¹³	L029 03/02/99
99/93/EC	Doors, windows, shutter, blinds, gates and related building hardware (revision of decision 95/204/EC) ¹⁴	L029 03/02/99
99/94/EC	Precast normal/lightweight/autoclaved aerated concrete products (revision of decision 95/204/EC) ¹⁵	L029 03/02/99
99/469/EC	Products related to concrete, mortar and grout	L184 17/07/99
99/470/EC	Construction Adhesives	L184 17/07/99
99/471/EC	Space heating appliances	L184 17/07/99
99/472/EC	Pipes, tanks and ancillaries not in contact with water intended for human consumption	L184 17/07/99
2000/245/EC	Flat glass, profiled glass and glass block products	L077 28/03/2000

¹² As amended by Corrigendum published in OJ L083/80 of 27/03/1999.

¹³ As amended by Corrigendum published in OJ L083/80 of 27/03/1999.

¹⁴ As amended by Corrigendum published in OJ L083/80 of 27/03/1999.

¹⁵ As amended by Corrigendum published in OJ L083/80 of 27/03/1999.

B 2972

For ETA Guidelines:

Decision Number	Description	Official Journal
96/582/EC	Structural Sealant Glazing Systems and Metal Anchors for Concrete (Heavy duty uses)	L 254 08/10/96
97/161/EC	Metal Anchors for use in concrete for fixing lightweight systems	L 062 04/03/97
97/177/EC	Metal Anchors for Masonry	L 073 14/03/97
97/463/EC	Plastic Anchors for use in Concrete and Masonry	L 197 25/07/97
97/556/EC	External thermal insulation composite systems/ Kits with rendering (ETICS)	L 229 20/08/97
98/143/EC	Mechanically fastened flexible roof waterproofing membranes.	L 042 14/02/98
98/213/EC	Internal partition kits	L 080 18/03/98
98/279/EC	Non-load-bearing permanent shuttering kits/ systems	L127 24/04/98
98/456/EC	Post tensioning kits for the prestressing of structures	L201 17/07/98
98/599/EC	Liquid applied roof waterproofing kits	L287 24/10/98
98/600/EC	Self-supporting translucent roof kits(except glass-based kits)	L287 24/10/98
99/89/EC	Prefabricated stair kits	L029 03/02/99
99/92/EC	Light composite wood-based beams and columns	L029 03/02/99
99/454/EC	Fire stopping, fire sealing and fire protective products	L178 14/07/99
99/455/EC	Timber frame and log prefabricated building kits	L178 14/07/99
2000/273/EC	Seven products for European Technical Approvals without Guideline	L086 07/04/2000

2000/447/EC	Prefabricated wood-based load-bearing stressed skin panels and self-supporting composite lightweight panels	L180 19/07/2000
2000/606/EC	Six products for European Technical Approvals without Guideline	L258 12/10/2000
2001/308/EC	Vetures	L107 18/04/2001