

Amendment of the directive

Amendment of the Construction Products Directive by Council Directive 93/68/EEC of 22 July 1993.

Directive 89/106/EEC is amended as follows:

1. throughout the text, the term 'EC mark' is replaced by 'CE marking';

2. in Article 2 the second paragraph is replaced by the following text:

'2. (a) When products are subject to other Directives with regard to other aspects and which also provide for the affixing of the CE conformity marking, referred to in Article 4 (2), the latter shall indicate that the products are also presumed to conform to the provisions of those other Directives. (b) However, where one or more of these Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompany such products.';

Old Text:

'2. When products are subject to other Community directives with regard to other aspects, the EC conformity mark, hereinafter referred to as the 'EC mark', referred to in Article 4 (2) shall indicate in these cases that the requirements of those other directives have also been complied with.'

3. in Article 4 (2) the introduction is replaced by the following text:

'2. Member States shall presume that products are fit for 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 Article 3 where such products bear the CE marking indicating that they satisfy all the provisions of this Directive, including the conformity assessment procedures laid down in Chapter V and the procedure laid down in Chapter III. The CE marking shall indicate:';

Old Text:

2. Member States shall presume that the products are 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 Article 3, and those products bear the EC mark. The EC mark shall indicate:

4. in Article 4 (6) the first subparagraph is replaced by the following text:

'6. The CE marking signifies that products satisfy the requirements of paragraphs 2 and 4 of this Article. It is for the manufacturer or his authorized representative established within the Community 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.';

Old Text:

6. The EC mark signifies that products satisfy the requirements of paragraphs 2 and 4 of this Article. It is for the manufacturer, or his agent established in the Community, to take responsibility for affixing the EC mark on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents.

5. in Article 15 the second paragraph is replaced by the following text:

'2. Without prejudice to Article 21: (a) where a Member State establishes that the CE marking has been affixed unduly, the manufacturer or his agent established within the Community 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 Member State; (b) where non-conformity continues, the Member State must take all appropriate measures 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 Article 21.';

Old Text:

2. Where it is established that the EC mark has been affixed to a product which does not satisfy, or no longer satisfies, this Directive, the Member State in which conformity was established shall ensure that, if necessary, the use of the EC mark is forbidden and unsold products are withdrawn, or marks obliterated, until such time as the product concerned is brought back to conformity.

6. in Article 15 the third paragraph is replaced by the following text:

'3. Member States shall take the measures necessary 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. Any other marking may be affixed to the construction products on a label fixed to the product packaging or on the accompanying commercial documents provided that the visibility and legibility of the CE marking is not thereby reduced.';

Old Text:

3. Member States shall ensure that the affixing to products or their packing of marks which are likely to be confused with the EC mark shall be prohibited.

7. in Article 18 the first paragraph is replaced by the following text:

'1. Member States shall notify the Commission and the other Member States of the certification and inspection bodies and the testing laboratories which they have designated for the tasks which must be carried out for the purposes of technical approval, certificates of conformity, inspections and tests, in accordance with this Directive, together with their names and addresses and the identification numbers assigned to them beforehand by the Commission. The Commission shall publish in the Official Journal of the European Communities a list of the notified bodies and laboratories with their identification numbers and the tasks and products for which they have been notified. The Commission shall ensure that this list is kept up to date.';

Old Text:

1. Each Member State shall forward to the Commission a list of names and addresses of certification bodies, inspection bodies and testing laboratories which have been designated by that Member State for tasks to be carried out for the purposes of technical approvals, conformity certifications, inspections and tests according to this Directive.

8. Annex III section 4 is replaced by the following text:

'4.1. CE conformity marking - The CE conformity marking shall consist of the initials "CE " taking the following form: - 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 5 mm. - 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 the technical specifications.'

Old Text:

4.1. EC conformity mark

The EC conformity mark shall consist of the symbol CE as given below

It shall be accompanied by:

- the name or identifying mark of the producer.

and where appropriate:

- indications to identify the characteristics of the product, where appropriate to technical specifications.
- the last two digits of the Year of manufacture,
- the identification symbol of the inspection body involved,
- the number of the EC certificate of conformity