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ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Chemicals, metals, mechanical, electrical and construction industries; Raw materials
Construction, Pressure Equipment, Metrology

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**MANDATE TO CEN/CENELEC
CONCERNING THE EXECUTION OF STANDARDISATION WORK
FOR HARMONISED STANDARDS ON**

**SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND
PEDESTRIAN WALKWAYS**

TO BE USED IN:

- 04/33 External walls (including cladding), internal walls and partitions*
- 05/33 Floors, galleries and ceilings*
- 06/33 Prefabricated systems for floors and galleries, stairs, ramps, raised access floors, balustrades and hand rails (including external works)*
- 08/33 Frame (including chimneys and shafts)*
- 09/33 External and internal doors and windows, roof openings and roof lights (including fire doors and shutters)*
- 11/33 External finishes and walls*
- 13/33 Floor and stairs finishes*
- 33/33 Storage fixtures*

FOREWORD

This mandate is issued by the Commission to CEN/CENELEC within the context of the Council Directive of 21 December, 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (89/106/EEC), hereafter referred to as "the Directive" or "the CPD".

One of the aims of the Directive being the removal of technical barriers to trade in the construction field, in so far as they cannot be removed by means of mutual recognition among Member States, it seems appropriate that standardisation mandates cover, at least during a first phase of the mandating programme, construction products likely to be subject to technical barriers to trade.

This mandate is intended to lay down provisions for the development and the quality of harmonised European standards in order, on the one hand, to make "approximation" of national laws, regulations and administrative provisions (hereafter referred to as "regulations") possible and, on the other hand, to allow products conforming to them to be presumed to be fit for their intended use, as defined in the Directive.

In this respect, this mandate takes account of the basic principles prevailing in the regulations of Member States, particularly those described in chapters 3 and 4.2 of the Interpretative documents,

to which standardisers must refer. As stated by the Directive, the responsibility Member States have for construction works on their territory remains unchanged.

In order to fulfil the provisions of article 7.1 of the CPD the present mandate has been structured in the following way:

Chapter I Grounds. General conditions within the framework of the CPD.

Chapter II Execution of the mandate. Conditions regarding the programming, development and execution of the standardisation work.

Chapter III Harmonised standards. Conditions regarding the content and the presentation of the harmonised standards.

CHAPTER I GROUND S

1. This mandate falls within the framework of the general policy of the Commission with respect to technical harmonisation and standardisation, as well as within the scope of the Directive. It replaces any previous mandate on the same products formerly issued on a provisional base by the Commission.
2. This mandate is based on article 7 of the Directive and has taken into consideration the Interpretative Documents¹ that serve as reference for the establishment of the harmonised standards (see article 12 of the Directive). It serves to ensure the quality of the harmonised standards for products, always with reference to the state of the art, with particular reference to the fitness of the products listed in annex 1 intended to be used in **External walls (including cladding), internal walls and partition, Floors, galleries and ceilings, Prefabricated systems for floors and galleries, stairs, ramps, raised access floors, balustrades and hand rails (including external works) Frame (including chimneys and shaft), External and internal doors and windows, roof openings and roof lights (including fire doors and shutters), External finishes and walls, Floor and stairs finishes, Storage fixtures**, enabling the works to satisfy the essential requirements set out in annex 1 of the Directive, provided that barriers to trade in these products exist and that the products fall within the scope of article 2.1 of the Directive;
3. Levels or classes of requirements for the works are under the responsibility of Member States and are not covered by the present mandate. As a consequence, they are not expected to be defined in the harmonised standard.
4. Levels or classes of requirements for the products may be determined either in the Interpretative Documents or according to the procedure provided for in article 20 (2) of the Directive. In either case, where levels or classes of requirements for products are determined, guidance is given in Annex 3 to this mandate. This is not the case for classes of convenience, which are classes of product performances developed as a means of convenience for specifiers, manufacturers and purchasers. Such classes of convenience are not covered by the present mandate and should not be defined within the harmonised standard. Nevertheless, the results of the determination of the product characteristics may be expressed using classes of convenience introduced by European standards. Articles 3.2 and 6.3 of CPD do not apply to such classes.

¹ O.J. C 62, 28.02.1994

5. The harmonised standards resulting from this mandate must allow for products to comply with them 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. Declaration of performance for such a characteristic, in this case, must not be imposed on the manufacturer if he does not wish to declare it.
6. Indications regarding the documents which should be taken into account to inform standardisers and manufacturers on national and harmonised legislation on substances classified as dangerous are given in Annex 4.

CHAPTER II EXECUTION OF THE MANDATE

1. CEN/CENELEC will present the Commission with a detailed work programme, at the latest, **three months after approval of 98/34 Committee.**
2. The work programme should identify clearly the list of harmonised standards to be developed. For each harmonised standard it should :
 - indicate the name(s) of the product(s) to be covered;
 - define the characteristics, durability aspects, intended uses and the forms and materials to be covered (in accordance with Annexes 1, 2 and 3 of this mandate);
 - attach the list of supporting documents (e.g. work items on test methods, ...);
 - justify the timetable foreseen for its finalisation; and
 - identify the Technical Committee(s) responsible for the work.
3. Clear differentiation should be made between the item to become the harmonised standard for the product and the items to be used as supporting documents.
4. When a supporting test standard for one characteristic does not exist or is not in the work programme of the TC, a clear statement should be presented indicating whether CEN is able to produce one or not.
5. Any proposals for the addition of products, intended uses and materials and forms not included in the mandate but considered relevant by the TC should be presented separately from the work programme for further analysis by the Commission services. Standards prepared for products outside this mandate will not achieve the status of harmonised standards. In addition to the provisions of article 4.1 of the CPD, it must be taken into account that all the products included in the mandate have a system of attestation of conformity in accordance with the relevant Decision of the Commission; those products not included have not.
6. Any proposal for the addition of characteristics and durability aspects not included in the mandate but considered relevant by the TC should be proposed in a special chapter of the work programme for further analysis by the Commission services.
7. Where a classification system of the product performances is envisaged in Annex 3 of the present mandate, CEN/CENELEC are requested to make an appropriate proposal for its implementation.
8. CEN/TCs must give a technical answer for the determination of the characteristics of the mandate taking into account the conditions stated below; test methods suggested must be directly related to the relevant required characteristic and must not make reference to determination methods for characteristics not required by the mandate. Durability requirements should be dealt with in the framework provided by the state of the art at present.

9. Reference to test/calculation methods must be in accordance with the harmonisation aimed at. In general, only one method should be referred to for the determination of each characteristic, for a given product or family of products.

If, however, for a product or family of products because of justifiable reasons, more than one method is to be referred to for the determination of the same characteristic, the situation must be justified. In this case all referenced methods should be linked by the conjunction "or" and an indication of application should be given.

In any other case, two or more test/calculation methods for the determination of one characteristic can be accepted only if a correlation between them exists or can be developed. The relevant harmonised product standard must then select one of them as the method of reference.

Testing and/or calculation methods shall have, whenever possible, a horizontal character covering the widest possible range of products

10. Within the work programme, CEN/CENELEC will also specify those cases where the performance-based approach will not be followed in the harmonised standard and will give the relevant justification.
11. After examination of the work programme and consultations with CEN/CENELEC, the Commission services will endorse the timetable and the list of standards or parts of standards which meet the terms of this mandate and which will be recognised as harmonised or supporting standards.
12. The terms of reference of this mandate may be subject to modification or addition, if necessary. Acceptance of the work programme by the Commission services does not imply acceptance of all the WIs listed as supporting standards. TCs will need to demonstrate the direct link between WIs and the needs for harmonisation of the products, intended uses and characteristics given in the mandate. Nor does acceptance exclude the possibility for further WIs to be added by CEN, in order to fully respond to the terms of the mandate
13. Representatives of the authorities responsible for national regulations have the right and shall be able to participate in the activities of CEN/CENELEC through their national delegations and to present their points of view at all stages of the drafting process of the harmonised standards.
14. The Commission may participate in standardisation activities as observer and has the right to receive all relevant documents.
15. CEN/CENELEC will immediately inform the Commission of any problem relating to the carrying out of the mandate and will present an annual progress report on work within the framework of the mandate.
16. The progress report will include a description of work carried out and information on any difficulties being met, whether political or technical, with particular reference to those that might lead the authorities of a Member State to raise objections or to resort to article 5.1 of the Directive.
17. The progress report will be accompanied by the latest drafts of each standard under the mandate and by updated reports on any subcontracted work.
18. Acceptance of this mandate by CEN/CENELEC will initiate the standstill procedure referred to in article 7 of Council Directive 83/189/EEC of 28 March 1983 modified by Council Directive 88/182/EEC of 22 March 1988 and the European Parliament and the Council Directive 94/10/EC of 23 March 1994.
19. Acceptance of this mandate by CEN/CENELEC can take place only after the work programme has been endorsed by the Commission services.

20. CEN/CENELEC will develop the draft harmonised European standards and of the relevant supporting standards on the basis of the work programme and will inform the Commission in good time that the draft is being circulated for public comment.
21. CEN/CENELEC will present the final drafts of the harmonised European standards and of the relevant supporting standards to the Commission services for confirmation of compliance with this mandate at the latest in accordance with the timetable agreed between CEN/CENELEC and the Commission and referred to in point II.2.d).
22. CEN/CENELEC members will publish the standards transposing the harmonised European standards at the latest 6 months after a positive vote in CEN/CENELEC. National standards covering the same scope will continue to be applicable until the date agreed between CEN/CENELEC and the Commission in accordance with point II.2.d)

CHAPTER III. HARMONISED STANDARDS

1. Harmonised standards shall be prepared to allow those products listed in Annexes 1 and 2 to be able to demonstrate the satisfaction of the essential requirements. One of the purposes of the Directive being to remove barriers to trade, the standards deriving from it will therefore be expressed, as far as practicable in product performance terms (art. 7.2 of the Directive), having regard to the Interpretative Documents.
2. The harmonised standard will contain :
 - A detailed scope and field of application
 - A detailed description of the product or family of products covered and the relevant intended uses of the different products;
 - The definition of the characteristics of the products listed in Annex 2 of the mandate (expressed in performance terms, as far as practicable) that are relevant to the satisfaction of the essential requirements;
 - The methods (calculation, test methods or others) or a reference to a standard containing the methods for the determination of such characteristics;
 - Guidance on the characteristics that have to be stated within the labelling that will accompany the CE marking (depending on the intended use of the product) and on the way of expressing the determined values of these characteristics;
 - The classification system and the levels for the above values of characteristics, if required by the mandate;
 - The system for attestation of conformity as required in annex 3 of the mandate and the corresponding specific provisions for the evaluation of conformity.
3. A minimum or a maximum level of a given characteristic that has to be met by the family of products or a product may be identified by the harmonised standard only if required by agreement of Member States expressed by positive vote under the procedure of article 20 .
4. As far as possible, each standard will make reference to performances common to other standards developed under mandate and which constitutes a cohesive and compatible group of

harmonised European standards developed in parallel. CEN/CENELEC shall ensure consistency within the whole package.

5. A producer not wishing to meet a non-mandated European standard will be able to use the CE marking on his product by referring only to the relevant harmonised standard. On the other hand, if a non-mandated standard includes the entire content of the harmonised standard, compliance with the former standard will also give a presumption of conformity to the harmonised standard and will enable the bearing of the CE marking.

In the latter case, an appropriate system should be established in the European standard in order to clearly distinguish the CPD-related content from the remaining part of the standard.

6. Harmonised standards must permit construction products which allow works to meet the essential requirements and which are produced and used lawfully in accordance with technical traditions warranted by local climatological and other conditions to continue to be placed on the market.
7. The essential requirements being expressed in terms of performance of the works, the characteristics of the products should be also expressed in terms of performance so that, in referring to the harmonised European standards, the regulations may "approximate" evolving in terms of "performance requirements". As far as practicable and depending on the intended use mentioned in the annexes of this mandate, the standard shall include a definition of the durability in term of performance of the declared values of the product characteristics as well as suitable methods for its evaluation against the actions listed in Annex 2. If the durability is expressed in terms of classes of periods, articles 3.2 and 6.3 of the CPD will not apply.
8. The relevant systems for attestation of conformity, according to Article 13.3 and Annex III of the Directive, are listed in annex 3. For the establishment of the corresponding specific provisions of evaluations of conformity, the harmonised standard will take into account :
 - the different intended uses of the product mentioned in the annexes of this mandate and, if any, the different levels or classes of performance;
 - cases of individual (non series) production according to Article 13.5 of the Directive;
 - the recommendations of paragraph 3 of Annex 3
9. The label accompanying the CE marking will list all the characteristics to be declared according to the declared intended uses mentioned in the annexes of this mandate. In order to take into account existing regulations on products where performance for one or more characteristics may not be required, the label should allow the manufacturer the application of the "No performance determined" case for that or those characteristics.

ANNEX 1
FIELD OF APPLICATION

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS

TO BE USED IN:

04/33 External walls (including cladding), internal walls and partitions

05/33 Floors, galleries and ceilings

06/33 Prefabricated systems for floors and galleries, stairs, ramps, raised access floors, balustrades and hand rails (including external works)

08/33 Frame (including chimneys and shafts)

09/33 External and internal doors and windows, roof openings and roof lights (including fire doors and shutters)

11/33 External finishes and walls

13/33 Floor and stairs finishes

33/33 Storage fixtures

Forms	Material	Products for consideration
Formless	Paste, Strips	Sealants for external and/or internal walls, partitions Sealants for glazing Sealants for sanitary joints Sealants for pedestrian walkways

ANNEX 2
TECHNICAL TERMS OF REFERENCE

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS

TO BE USED IN:

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11/33 *External finishes and walls*

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33/33 *Storage fixtures*

Product Families

Sealing product delivered and applied in a paste-like state and once cured, adheres to the substrate, exhibits cohesion and deformation properties, so that it seals to last the joint, under defined conditions.

1 – **Sealants for external and/or internal walls, partitions:** sealants intended for sealing exterior wall joints, internal walls, partitions, window and door perimeter joints in building construction, including the interior face.

2 – **Sealants for glazing:** sealants for use in glazing joints. Main areas of application are: Glass to Glass (butt joints), Glass to frame, Glass to porous substrates. Excluded are sealants for aquariums, structural glazing, first and outer seal to manufacture insulated glazing units, horizontal glazing (below 7°), organic glass (eg: polycarbonate, PMMA...).

3 – **Sealants for sanitary joints:** sealants used for sealing joints in sanitary areas in the interior of buildings exposed to non-pressurized water (bathrooms, toilets, showers, etc.). Excluded are industrial, drinking water, underwater (swimming pools, sewage systems etc.) and food contact applications.

4 – **Sealants for pedestrian walkways:** sealants used in floor joints. Areas of application are: pedestrian outdoor and indoor walkways, public areas, areas with pedestrian load, areas which are used with trolleys, walkable floors, balconies, terraces, warehouses. Excluded are chemical containment, submersed, roads and other traffic areas, airports, sewage treatment plants.

**SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND
PEDESTRIAN WALKWAYS**

Characteristics to be covered by the harmonized standards are:

E.R.	PERFORMANCE CHARACTERISTICS	Durability
1	-	Yes for all characteristics (against e.g. ageing, resistance to low/high temperatures, resistance to freeze/thaw, UV-radiation, hydrolysis)
2	Reaction to fire	
3	– Release of chemicals dangerous to the environment and health – Water tightness – Air tightness – Resistance to fungi mildew & moulds	
4	-	
5	-	
6	Water tightness (only for products used for external walls and glazing) Air tightness (only for products used for external walls and glazing)	

ANNEX 3
ATTESTATION OF CONFORMITY

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS (1/2)

1. Levels and classes for product performances

Further needs, which are justified in conformity with Community law (IDs Clause 1.2.1), may be identified on the basis of differences specified in Article 3 (2) of the CPD.

Where, for such needs, it is recognised that a classification of product performance is the means of expressing the range of requirement levels of the works, the Commission will give the appropriate guidance or will request CEN/CENELEC to make the appropriate proposal through a modification to this mandate.

2. 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 harmonised standards:

Product	Intended use	Level(s) or class(es)	AoC system
- Sealants for external walls	Outdoor applications	-	3
- Sealants for internal walls, partitions	Indoor applications	-	4
- Sealants for glazing	For uses in building construction	-	3
- Sealants for pedestrian walkways		-	3
- Sealants for sanitary joints		-	3
System 3: See CPD Annex III.2.(ii), Second possibility			
System 4: See CPD Annex III.2.(ii), Third possibility			

3. Conditions to be applied by CEN/CENELEC on the specifications of the attestation of conformity system

3.1 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 the "no performance determined" case under Article 2.1 of the Directive 89/106/EEC and when article 3.2 classes apply, 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.

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS (2/2)

1. Levels and classes for product performances

1.1 According to article 3.2 of the Directive 89/106/EEC and Clause 1.2.1 of the IDs, a classification of product performance has been identified as the means of expressing the range of requirement levels of the works in respect of **reaction to fire**.

Regarding reaction to fire, CEN/CENELEC are requested to follow the Commission Decision 2000/147/EC and make reference to the standard(s) to be prepared under Commission mandate to CEN/CENELEC "Horizontal complement to the mandates in respect of reaction to fire" in dealing with reaction to fire in the specific harmonised product standards to be developed under this mandate.

1.2 Reaction to fire is a risk for which the need for classification systems has been identified for the time being.

Further needs may be identified on the basis of differences specified in Article 3 (2) of the Directive 89/106/EEC, which are justified in conformity with Community law (IDs Clause 1.2.1).

Where for such needs it is recognised that a classification of product performance is the means of expressing the range of requirement levels of the works, the Commission will give the appropriate guidance or will request CEN/CENELEC to make the appropriate proposal through a modification to this mandate.

2. 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 harmonised standards:

Product(s)	Intended use(s)	Level(s) or class(es) <i>(reaction to fire)</i>	Attestation of conformity system(s)
Sealants for joints	For uses subject to reaction to fire regulations	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 (eg. Products/materials of classes A1 according to Commission Decision 96/603/EC, as amended).			

3. Conditions to be applied by CEN/CENELEC on the specifications of the attestation of conformity system

3.1 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 the "no performance determined" case under Article 2.1 of the Directive 89/106/EEC and when article 3.2 classes apply, 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.

3.2 Regarding products falling under systems 1 or 3, for the initial type testing of the product [see Annex III.1.a) of the Directive 89/106/EEC] the task for the approved body will be limited to the following characteristics, where relevant:

Euroclasses characteristics for reaction to fire as indicated in Commission Decision: 2000/147/EC

3.3 For products falling under system 1, regarding the initial inspection, continuous surveillance, assessment and approval of the factory production control [see Annex III.1.g) of the Directive 89/106/EEC], parameters related to the following characteristics shall be of particular interest to the approved body, where relevant:

Euroclasses characteristics for reaction to fire as indicated in Commission Decision: 2000/147/EC.

ANNEX 4
DANGEROUS SUBSTANCES

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS

European technical specifications must be adopted taking into account necessary legislation on substances classified as dangerous.

This results from the Interpretative Documents, where it is noted, in the introduction note to all six of them, that:

"Concerning dangerous substances which are in construction products, classes and/or levels of performance to which technical specifications will refer, shall allow the levels of protection needed by the works to be guaranteed, taking into account the purpose of the works."

In addition, outside the scope of the Directive, writers of technical specifications must take into account legislation which affects materials to be used for construction products and which are regulated for reasons not related to the incorporation of the construction products into the works.

Specification writers will find relevant data on EU and national regulations with regard to ER 3 in the Commission's CP_DS database <http://ec.europa.eu/enterprise/construction/cpd-ds/>, but must also take account of any other relevant legislation on dangerous substances, which the database does not yet include.