

## SCHEDULE 3

Regulation 5

### Amendments etc of EU tertiary legislation and consequential provision

#### Part 1

#### Amendments and modifications of EU tertiary legislation

##### **Repeals of Commission Decisions on various matters**

1. The following Commission Decisions are repealed—
  - (a) Commission [Decision 94/23/EC](#) of 17 January 1994 on common procedural rules for European technical approval;
  - (b) Commission [Decision 97/571/EC](#) of 22 July 1997 on the general format of European Technical Approval for construction products;
  - (c) Commission [Decision 2003/312/EC](#) of 9 April 2003 on the publication of the reference of standards relating to thermal insulation products, geotextiles, fixed firefighting equipment and gypsum blocks in accordance with Council [Directive 89/106/EEC](#);
  - (d) Commission [Decision 2006/893/EC](#) of 5 December 2006 on the withdrawal of the reference of standard EN 10080:2005 ‘Steel for the reinforcement of concrete – Weldable reinforcing steel – General’ in accordance with Council [Directive 89/106/EC](#).

##### **Modifications of Commission Decisions in relation to procedures for attesting conformity**

- 2.—(1) The relevant Commission Decisions have effect as if—
  - (a) any reference to a mandate for a harmonised standard were a reference to a standardisation mandate under the 2011 Regulation;
  - (b) any Article providing that the decision is addressed to the member States were omitted;
  - (c) any reference to the European standardisation bodies were a reference to a recognised standardisation body under the 2011 Regulation;
  - (d) any reference to a relevant harmonised standard were a reference to a relevant standard prepared under Article 18A of the 2011 Regulation;
  - (e) any reference to at least one member State having no legal requirement at all for a characteristic were a reference to there being no legal requirement at all for the characteristic in the United Kingdom;
  - (f) any reference to the European Organisation for Technical Approval were a reference to the responsible TAB under the 2011 Regulation;
  - (g) any reference to a mandate for relevant guidelines for European Technical Approval, or to the relevant guidelines themselves, were a reference to a relevant UK Assessment Document under the 2011 Regulation;
  - (h) any reference to the “mandates for European technical specifications” were a reference to a relevant UK Assessment Document under the 2011 Regulation;
  - (i) any reference to a requirement to indicate a procedure “in the mandates and in the technical specifications referred to in Article 4 of the Construction Products Directive” were a reference to a requirement to indicate the procedure in the standardisation mandates and the UK Assessment Documents under the 2011 Regulation and in the standards prepared under Article 18A of that Regulation;

- (j) any reference to a requirement to indicate the procedure for attesting conformity in the relevant European technical approvals were a reference to a requirement to indicate the procedure for attesting conformity in the relevant UK Assessment Documents under the 2011 Regulation;
  - (k) any reference to specifying a system of attestation of conformity in the relevant European technical approval were a reference to specifying a system of attestation of conformity in the relevant UK Assessment Document under the 2011 Regulation.
- (2) The “relevant Commission Decisions” are—
- (a) Commission [Decision 95/467/EC](#) of 24 October 1995 implementing Article 20(2) of Council [Directive 89/106/EEC](#) on construction products;
  - (b) Commission [Decision 96/577/EC](#) of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards fixed fire-fighting systems;
  - (c) Commission [Decision 96/578/EC](#) of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards sanitary appliances;
  - (d) Commission [Decision 96/579/EC](#) of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards circulation fixtures;
  - (e) Commission [Decision 96/580/EC](#) of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards curtain walling;
  - (f) Commission [Decision 96/582/EC](#) of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards structural sealant glazing systems and metal anchors for concrete;
  - (g) Commission [Decision 97/161/EC](#) of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards metal anchors for use in concrete for fixing lightweight systems;
  - (h) Commission [Decision 97/176/EC](#) of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards structural timber products and ancillaries;
  - (i) Commission [Decision 97/177/EC](#) of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards metal injection anchors for use in masonry;
  - (j) Commission [Decision 97/462/EC](#) of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards wood-based panels;
  - (k) Commission [Decision 97/463/EC](#) of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards plastic anchors for use in concrete and masonry;
  - (l) Commission [Decision 97/555/EC](#) of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards cements, building limes and other hydraulic binders;
  - (m) Commission [Decision 97/556/EC](#) of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards external thermal insulation composite systems/kits with rendering (ETICS);

- (n) Commission [Decision 97/597/EC](#) of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards reinforcing and prestressing steel for concrete;
- (o) Commission [Decision 97/638/EC](#) of 19 September 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards fasteners for structural timber;
- (p) Commission [Decision 97/740/EC](#) of 14 October 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards masonry and related products;
- (q) Commission [Decision 97/808/EC](#) of 20 November 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards floorings;
- (r) Commission [Decision 98/143/EC](#) of 3 February 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards systems of mechanically fastened flexible roof waterproofing membranes;
- (s) Commission [Decision 98/213/EC](#) of 9 March 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards internal partition kits;
- (t) Commission [Decision 98/214/EC](#) of 9 March 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards structural metallic products and ancillaries;
- (u) Commission [Decision 98/279/EC](#) of 5 December 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards non load-bearing permanent shuttering kits/systems based on hollow blocks or panels of insulating materials and, sometimes, concrete;
- (v) Commission [Decision 98/436/EC](#) of 22 June 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards roof coverings, rooflights, roof windows and ancillary products;
- (w) Commission [Decision 98/437/EC](#) of 30 June 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards internal and external wall and ceiling finishes;
- (x) Commission [Decision 98/456/EC](#) of 3 July 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards post-tensioning kits for the prestressing of structures;
- (y) Commission [Decision 98/598/EC](#) of 9 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards aggregates;
- (z) Commission Decisions [98/599/EC](#) of 12 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards liquid applied roof waterproofing kits;
- (aa) Commission [Decision 98/600/EC](#) of 12 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards self-supporting translucent roof kits (except glass-based kits);
- (bb) Commission [Decision 98/601/EC](#) of 13 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards road construction products;

- (cc) Commission Decision 1999/ 89/ EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards prefabricated stair kits;
- (dd) Commission [Decision 1999/90/EC](#) of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards membranes;
- (ee) Commission [Decision 1999/91/EC](#) of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards thermal insulating products;
- (ff) Commission [Decision 1999/92/EC](#) of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards light composite wood-based beams and columns;
- (gg) Commission [Decision 1999/93/EC](#) of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards doors, windows, shutters, blinds, gates and related building hardware;
- (hh) Commission [Decision 1999/94/EC](#) of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards precast normal/lightweight/autoclaved aerated concrete products;
- (ii) Commission [Decision 1999/454/EC](#) of 22 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards fire stopping, fire sealing and fire protective products;
- (jj) Commission [Decision 1999/455/EC](#) of 22 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards timber frame and log prefabricated building kits;
- (kk) Commission [Decision 1999/469/EC](#) of 25 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards products related to concrete, mortar and grout;
- (ll) Commission [Decision 1999/470/EC](#) of 29 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards construction adhesives;
- (mm) Commission [Decision 1999/471/EC](#) of 29 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards space heating appliances;
- (nn) Commission [Decision 1999/472/EC](#) of 1 July 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards pipes, tanks and ancillaries not in contact with water intended for human consumption;
- (oo) Commission [Decision 2000/245/EC](#) of 2 February 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(4) of Council [Directive 89/106/EEC](#) as regards flat glass, profiled glass and glass block products;
- (pp) Commission [Decision 2000/273/EC](#) of 27 March 2000 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;
- (qq) Commission [Decision 2000/447/EC](#) of 13 June 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards prefabricated wood-based load-bearing stressed skin panels and self-supporting composite lightweight panels;

- (rr) Commission [Decision 2000/606/EC](#) of 26 September 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards six products for European Technical Approvals without Guideline;
- (ss) Commission [Decision 2001/19/EC](#) of 20 December 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards expansion joints for road bridges;
- (tt) Commission [Decision 2001/308/EC](#) of 31 January 2001 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards ventures;
- (uu) Commission [Decision 2002/359/EC](#) of 13 May 2002 on the procedure for attesting the conformity of construction products in contact with water intended for human consumption, pursuant to Article 20(2) of Council [Directive 89/106/EEC](#);
- (vv) Commission [Decision 2003/639/EC](#) of 4 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 pins for structural joints;
- (ww) Commission [Decision 2003/640/EC](#) of 4 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 kits for exterior wall claddings;
- (xx) Commission [Decision 2003/655/EC](#) 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;
- (yy) Commission [Decision 2003/656/EC](#) 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;
- (zz) Commission [Decision 2003/722/EC](#) of 6 October 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as liquid-applied bridge deck waterproofing kits;
- (aaa) Commission [Decision 2003/728/EC](#) of 3 October 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards metal frame building kits, concrete frame building kits, prefabricated building units, cold storage room kits and rock-fall protection kits;
- (bbb) Commission [Decision 2005/484/EC](#) of 4 July 2005 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards cold storage building kits and cold storage building envelope kits;
- (ccc) Commission [Decision 2011/19/EU](#) of 14 January 2011 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards sealants for non-structural use in joints in buildings and pedestrian walkways;
- (ddd) Commission [Decision 2011/284/EU](#) of 12 May 2011 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council [Directive 89/106/EEC](#) as regards power, control and communication cables.

### **Amendments to Commission Decisions in relation to classes of performance**

3.—(1) In Commission [Decision 96/603/EC](#) of 4 October 1996 establishing the list of products belonging to Classes A ‘No contribution to fire’ provided for in [Decision 94/611/EC](#) implementing Article 20 of Council [Directive 89/106/EEC](#) on construction products, omit Article 2.

- 4.—(1) In the relevant Commission Decisions, omit Article 3.
- (2) The “relevant Commission Decisions” are—
- (a) Commission [Decision 2005/403/EC](#) of 25 May 2005 establishing the classes of external fire performance of roofs and roof coverings for certain construction products as provided for by Council [Directive 89/106/EEC](#);
  - (b) Commission [Decision 2005/610/EC](#) of 9 August 2005 establishing the classes of reaction-to-fire performance for certain construction products.
- 5.—(1) In the relevant Commission Decisions, omit Article 4.
- (2) The “relevant Commission Decisions” are—
- (a) Commission [Decision 2003/43/EC](#) of 17 January 2003 establishing the classes of reaction-to-fire performance for certain construction products;
  - (b) Commission [Decision 2006/213/EC](#) of 6 March 2006 establishing the classes of reaction-to-fire performance for certain construction products as regards wood flooring and solid wood panelling and cladding;
  - (c) Commission [Decision 2006/600/EC](#) of 4 September 2006 establishing the classes of reaction-to-fire performance for certain construction products as regards double skin metal faced sandwich panels for roofs;
  - (d) Commission [Decision 2010/81/EU](#) of 9 February 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards adhesives for ceramic tiles;
  - (e) Commission [Decision 2010/82/EU](#) of 9 February 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards decorative wallcoverings in roll and panel form;
  - (f) Commission [Decision 2010/83/EU](#) of 9 February 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards air drying jointing compounds;
  - (g) Commission [Decision 2010/85/EU](#) of 9 February 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards cementitious screeds, calcium sulphate screeds and synthetic resin floor screeds;
  - (h) Commission [Decision 2010/737/EU](#) of 2 December 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards steel sheets with polyester coating and with plastisol coating;
  - (i) Commission [Decision 2010/738/EU](#) of 2 December 2010 establishing the classes of reaction-to-fire performance for certain construction products as regards fibrous gypsum plaster casts.

#### **Amendments to Commission Implementing Regulation (EU) No 1062/2013**

- 6.—(1) Commission Implementing Regulation (EU) No 1062/2013 of 30 October 2013 on the format of the European Technical Assessment for construction products is amended as follows.
- (2) In Article 1, for “European” substitute “UK”.
- (3) Omit Article 2.
- (4) In the Annex—
- (a) for “European”, in each place it occurs, substitute “UK”;
  - (b) for “EAD”, in both places, substitute “UKAD”.

## **Amendments to Commission Delegated Regulations on various matters**

7.—(1) In the relevant Commission Delegated Regulations, after Article 2, omit the words from “This Regulation shall be binding” to the end of the sentence.

(2) The “relevant Commission Delegated Regulations” are—

- (a) Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website;
- (b) Commission Delegated Regulation (EU) No 1291/2014 of 16 July 2014 on the conditions for classification, without testing, of wood-based panels under EN 13986 and solid wood panelling and cladding under EN 14915 with regard to their fire protection ability, when used for wall and ceiling covering;
- (c) Commission Delegated Regulation (EU) No 1292/2014 of 17 July 2014 on the conditions for classification, without testing, of certain uncoated wood floorings under EN 14342 with regard to their reaction to fire;
- (d) Commission Delegated Regulation (EU) No 1293/2014 of 17 July 2014 on the conditions for classification, without testing, of metal lath and beads for internal plastering covered by the harmonised standard EN 13658-1, metal lath and beads for external rendering covered by the harmonised standard EN 13658-2 and metal beads and feature profiles covered by the harmonised standard EN 14353, with regard to their reaction to fire;
- (e) Commission Delegated Regulation (EU) 2017/959 of 24 February 2017 on the classification of horizontal settlement and short-term water absorption performance for in situ formed loose fill cellulose (LFCI) thermal insulation products under EN 15101-1 pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council;
- (f) Commission Delegated Regulation (EU) 2017/1228 of 20 March 2017 on the conditions for classification, without testing, of external renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and rendering and plastering mortars covered by the harmonised standard EN 998-1 with regard to their reaction to fire;
- (g) Commission Delegated Regulation (EU) 2017/1475 of 26 January 2017 on the classification of frost resistance performance for clay tiles under EN 1304 pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council;
- (h) Commission Delegated Regulation (EU) 2017/2293 of 3 August 2017 on the conditions for classification, without testing, of cross laminated timber products covered by the harmonised standard EN 16351 and laminated veneer lumber products covered by the harmonised standard EN 14374 with regard to their reaction to fire.

8. In Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 on the classification of the reaction to fire performance of construction products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council, after Article 3, omit the words from “This Regulation shall be binding” to the end of the sentence.

9. In Commission Delegated Regulation (EU) 2017/1227 of 20 March 2017 on the conditions for classification, without testing, of glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497 with regard to their reaction to fire and amending [Decision 2005/610/EC](#), after Article 3, omit the words from “This Regulation shall be binding” to the end of the sentence.

## Part 2

### Consequential provision

#### **Consequential amendments to the EEA agreement**

- 10.** In Chapter 21 of Part 2 of Annex 2 to the EEA agreement, omit points 2 and 2A.