



En 14509 : applicability ?

- November 2007 :** *the Commission decides to postpone the publication of the standard in the European official Journal, as new tests for the reaction of the sandwiches panels have to be discussed.*
- November 30th :** *Budapest : the manufacturers present to the Panama, EPPF and EPAQ congress sign a letter in favour of the publication of the standard and protest against the arguments developed by the Commission. [You can download it from here](#)*
- December 3rd :** *the standing Committee agrees on postponing the standard and is not informed of the letter of the manufacturers.*
- December :** *Johan Schedin has a meeting with Eurima. The proposal made by the panel industry to amend annex C of EN 14509 by excluding the possibility to do small flame tests on the protected core material is turned down by Eurima. No point of agreement was reached then.*
- January 4th 2008 :** *B. Fulton and D. Izabel call the newly named Director of the Construction Unit, Leoz Arguelles in order to have his explanation on the matter. A whole file is sent to him.*
- February 5th :** *a meeting is held by the Chairman of TC 128, with Eurima and without the participation of the manufacturers.*
- February 15th :** *a meeting is held in Leoz Arguelles' office at the Commission, with the Chairmen of EPAQ, EPPF and Panama International.*

Here are the minutes :

Minutes of the Meeting of February 15th at The Commission Office

We had a meeting on the 15th of February 2008 with Vicente Leoz Arguelles (head of the Construction Unit of DG Industry), Georgios Katsarakis (who replaces Mr Bedotti), Mr Tapani Mikkelly (Lawyer), Mrs Bourcier Chairman of EPPF, Mr Suin Chairman of Panama, Mrs Fulton Secretary-General of EPPF and Panama International Johan Schedin Chairman of EPAQ and David Izabel EPPF Chairman of the Technical Committee.

At the beginning, after presentation of each participant, David Izabel presented the history of the file about the EN 14509, the appeal of Eurima following the guidance paper G, the EPPF technical background, the lack of objectivity of SP in its technical reports, the economic consequences of the ISO 13784-1, the petition of the industry in favour of the SBI, the position of the Commission based on the preparatory group of the Standing Committee and EGF, and the surprise when we discovered that the standard could not be published due to the SBI.

We then learned that Mr Katsarakis and Mr Mikkely were attending the meeting of November 15th with Pite Vitse (TC 128 Chairman), Da Costa (CEN), R. Klein. Mr Katsarakis and Mr Mikkely were starting their works at the Commission and didn't know exactly who was who and who represented Who. Additionnaly, the real stakeholders were not informed of this meeting completely closed for us.

A voluntary and enormous ambiguity was created by Eurima about their representativeness of the panel industry on the one hand and with Pite Vitse (Chairman of the TC128) confusing with Peter Trew Chairman of the TC128 SC11! That is why, for Mr Katsarakis and Mr Mikkely, the meeting with R. Klein and Eurima on the November 15th 2007 seemed to be corresponding to the legal procedure.

We learned also that the Commission received a threat of an eventual use by Sweden of the safeguard clause of the CPD (art. 5) if ever the EN 14509 was published in the EOJ. In this case the state of Sweden can apply this clause on the basis of a security issue. In that case, if they use it, and they can do it , the standing Committee and the Commission will be forced to take a decision which will rise their own responsibility. Mr Katsarakis and Mr Mikkely explained that usually the Commission refuses to reach that point and prefers to find a solution. Leoz on his part said that they should not be afraid of that kind of threat.

We learned also, that for Eurima the problem concerns the mineral wool panels and not the PU ones! The Commission does not understand this fact and does not see why for the moment. So, during the meeting, we expressed our astonishment about this position of Eurima.

We confirmed also that only 2 actors of Eurima are fully supporting their action : Saint Gobain and Rockwool, since Heraklith and Paroc had already informed Mr Klein about their support of the SBI test for panel.

So :

- We explained that EPPF, Panama, EPAQ, TC128SC11 are in the same line and are representing the panel industry. It was also confirmed by Mrs Bourcier who also works for ArcelorMittal, Mr Schedin for Isocab and by Mr Suin for Dagard.
 - We proved that the background of Eurima is not founded (test with a doubt on the ignitability).
 - We proved that due to the cost of the 13784-1 test and with the small number of laboratories, it is unrealistic and impossible to cover the market.
 - We proved that SP is not an objective laboratory (2 reports without the same conclusions and with the same number).
 - We confirmed during the meeting that to obtain a classification A2 with mineral wool panels, associated with the correct quantity of glue, is not a problem.
- Thus, Mr Katsaralis and Mr Mikkely heard two different positions and probably

understood that they were a little bit manipulated by the Eurima lobbying.
Mr Leoz requested some time to study all the documents, backgrounds (we gave again our technical, legal and economic backgrounds) and all the letters and positions taken during the last two years.

Then, he suggested to organize a contradictory meeting with Eurima and us before the next standing Committee.

The issue will be probably discussed at the next Standing Committee in May this year.

- It will be necessary to do a lobbying in each country to isolate Sweden and Denmark during this next standing Committee.
- It will be necessary to organize a meeting with all the panels producers concerned to discuss the strategy.

It is also important to have from Eurima a written document explaining their problem and requirements to solve it.

So, we start again all what was already discussed in the past. A new team is dealing with the subject at the Commission. But in addition there is a threat of several actors by Eurima (Pite Vitse with a personal lawyer letter), the Commission (the use of the safeguard clause with legal consequences).

So, we have to work now!

Best regards

David and Bernadette

Safeguard Clause : it is explained in the Article 5, 1st Chapter of the Directive :

Extract of the CPD :

Article 5

1. Where a Member State or the Commission is of the opinion that the harmonized standards or European technical approvals referred to in Article 4 (2), points (a) and (b), or the mandates referred to in Chapter 11, do not satisfy the provisions of Articles 2 and 3, that Member State or the Commission shall notify the committee referred to in Article 19, setting out its reasons. The committee shall deliver an urgent opinion.

In the light of the opinion of the committee, and after consultation with the committee set up under Directive 83/189/EEC where it concerns harmonized standards, the Commission shall inform Member States if the standards or approvals concerned should be withdrawn in the publications referred to in Article 7 (3).

2. On reception of the communication referred to in Article 4 (3), the Commission shall consult the committee referred to in Article 19. In the light of the opinion of the committee, the Commission shall notify Member States whether the technical specification in question should benefit, from the presumption of conformity and, if so, publish a reference to it in the Official Journal of the European Communities.

If the Commission or a Member State believes that a technical specification no longer fulfils the conditions necessary for presumption of conformity with the provisions of Articles 2 and 3, the Commission shall consult the committee referred to in Article 19. In the light of the opinion of the said committee, the Commission shall notify the Member States whether the national technical specification in question should continue to benefit from presumption of conformity, and, if not, whether the reference to it referred to in Article 4 (3) should be withdrawn.

You can download the whole document here

ec.europa.eu/enterprise/construction/internal/cpd/cpd.htm

February 29th : Receipt of Eurima's requirements and contests.

March 27th : Participation of the Panel Industry to the Gen meeting organised with Eurima.

Vicente Leoz will also attend this meeting.

Next step : a technical meeting with Panama, EPPF and EPAQ members in April/May, in order to set up a strategy to fight for the publication of the standard in a quick delay and keep the SBI tests for the sandwiches panels.

PANAMA INTERNATIONAL

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