



CONSTRUCT 04/664 REV 1

DRAFT MANDATE TO EOTA
CONCERNING THE EXECUTION OF HARMONISATION WORK
FOR AN ETA GUIDELINE ON

ULTRA THIN LAYER ASPHALT CONCRETE

RELATED TO THE FOLLOWING END USES:

§ For Road Constructions

FOREWORD

This mandate is issued by the Commission to EOTA within the context of the Council Directive 89/106/EEC of December 21, 1988 concerning construction products, hereafter referred to as "the Directive" and the Commission Decision 94/23/EC of 17 January 1994 on common procedural rules for European technical approval.

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 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 covers the field of products or families of products that are considered innovative and for which there is neither a harmonised standard, nor a recognised national standard, nor a mandate for a harmonised standard and for which the Commission, after consulting the Standing Committee on Construction, considers that a harmonised standards cannot, or not yet, be elaborated; or when harmonised standards or recognised national standards exist, the products differ significantly from them.

This mandate intends to lay down provisions for the development and the quality of the ETA guidelines 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 ETA guideline writers 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 work on the guideline.

Chapter III ETA Guideline. Conditions regarding the content and the presentation of the ETA guideline.

CHAPTER I. GROUNDS

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 11 of the Directive and has taken into consideration the Interpretative Documents⁽¹⁾ that serve as reference for the establishment of guidelines for ETAs. It serves to ensure the quality of ETA Guidelines 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 for the construction of BUILDING WORKS, 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 ETA guideline.
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 ETA guideline.
5. The ETA guideline resulting from this mandate must allow products to comply with it 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 a characteristic. Declaration of performance for such characteristic 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 technical specification writers and manufacturers on national and harmonised legislation on substances classified as dangerous are given in Annex 4.

CHAPTER II. EXECUTION OF THE MANDATE

1. The ETA Guideline resulting from the execution of this mandate will have to be delivered **by no later than June 2006.**
2. EOTA will present the Commission with a detailed work programme, at the latest, by the end of **three months after positive opinion from the Standing Committee on Construction.**
2. The detailed work programme will include all aspects considered necessary to ensure the quality of the ETA Guideline and the subsequent ETAs, in order to permit the assessment

⁽¹⁾ O.J N°C 62, 28.02.1994

of the fitness for use (in accordance with Article 4 (2) of the Directive) of the products covered by the mandate. In particular it will contain the following:

- a) the title of the ETA Guideline;
 - b) the content of the guideline, including reference to those items mentioned in III.2;
 - c) the list of supporting documents (national standards, ISO standards, prENs, ENs, research results, etc.) which might be used in the ETAs and indications of those documents that have to be developed by EOTA;
 - d) the timetable for the development of the guideline and its submission to the EC; and
 - e) the identification of the Working Group responsible;
3. Clear differentiation should be made between the item to become the ETA Guideline for the product or product family and the items to be used as supporting documents.
 4. Where practicable, EOTA will make reference existing harmonised methods of assessment. When a supporting test method for a characteristic does not exist or is not in the work programme of the EOTA WG, a clear statement should be presented indicating whether EOTA 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 EOTA WG should be presented separately from the work programme for further analysis by the Commission services. Guidelines prepared for products outside of this mandate will not achieve the status of ETA Guidelines. 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 EOTA WG 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, EOTA is requested to make an appropriate proposal for its implementation.
 8. EOTA WGs 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 characteristic required 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 current state of the art.
 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 test 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 ETA Guideline 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. In the detailed work programme, EOTA will also specify those cases where the performance-based approach will not be followed in the ETA guideline and will give the relevant justification.
11. After examination of the work programme and consultations with EOTA, the Commission services will endorse the timetable and the list of guidelines which meet the terms of this mandate and which will be recognised as ETA Guideline, as well as the list of supporting standards where relevant.
12. The terms of reference of this mandate may be subject to possible modification or addition, if necessary. Acceptance of the work programme by the Commission services does not imply acceptance of all the items listed as supporting documents. EOTA WGs will need to demonstrate the direct link between items for harmonisation and the products, intended uses and characteristics given in the mandate. Nor does acceptance exclude the possibility for further items to be added by EOTA in order to fully respond to the terms of the mandate
13. Representatives of the authorities responsible for national regulations have the right and will be able to participate in the activities of EOTA through their national approval bodies and to present their points of view at all stages of the drafting process of the guideline.
14. The Commission may participate in the drafting process as observer and has the right to receive all relevant documents.
15. EOTA will immediately inform the Commission of any problem relating to the carrying out of the mandate from within the WGs 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 the guideline under the mandate and by updated reports on any subcontracted work.
18. Acceptance of this mandate by EOTA can take place only after the work programme has been endorsed by the Commission.
19. EOTA will develop the draft ETA Guideline on the basis of the work programme.
20. EOTA will present the final draft of the ETA Guideline to the Commission for confirmation of compliance with this mandate at the latest in accordance with the timetable agreed between EOTA and the Commission and referred to in point II.2.d).
21. In order to permit compliance with provisions of article 11.3 of the C.P.D., EOTA will provide the Commission with the ETA Guideline, in accordance with the timetable agreed between EOTA and the Commission and referred to in point II.2.d), after a positive vote in EOTA.

CHAPTER III. ETA GUIDELINE

1. An ETA guideline shall be prepared to allow those products listed in Annexes 1 and 2 to be able to be granted an ETA and demonstrate the satisfaction of the essential requirements. One of the purposes of the Directive being to remove barriers to trade, the guidelines deriving from it will therefore be expressed, as far as practicable in performance terms (art. 7.2 of the Directive), having regard to the Interpretative Documents..
2. The ETA Guideline should contain provisions concerning the following, in particular:
 - a detailed scope and field of application;
 - a detailed description of the product or family of products and the relevant intended uses to be covered, according to Annexes 1 and 2;
 - the classification systems and levels for the above characteristics, if required by the mandate;
 - a list of the relevant Interpretative Documents referred to in Article 3 (3) of the CPD;
 - the specific characteristics of the products within the meaning of the essential requirements referred to in Article 3 (1) of the CPD, as expressed in Annex 2;
 - the test, assessment or calculation procedures;
 - methods of assessing and judging the results of the tests;
 - the inspection and conformity procedures within the meaning of Articles 13, 14 and 15 of the CPD, which must correspond to those expressed in Annex 3;
 - the period of validity of the European technical approvals to be issued under the guideline.

As indicated in I.7, testing and/or calculation methods shall have, whenever possible, a horizontal character covering the widest possible range of products.

3. A minimum or a maximum level of a given characteristic that has to be met by family of products or a product may be identified by the guideline only if required by an agreement of Member States expressed by positive vote under the procedure of article 20
4. As far as possible, the guideline will make reference to performances common to other existing guidelines, and harmonised standards where appropriate, developed under mandates so as to constitute a cohesive and compatible group of European technical specifications. EOTA shall ensure consistency within the whole package of ETAs in the field concerned.
5. With regard to the so called "classes of convenience", which are classes of product performance developed as a means of convenience for specifiers, manufacturers and purchasers, such classes may be used for a standardised presentation of declared values in the ETAs but in such a way that they could never lead to the application of Article 6 (3)
6. The ETA Guideline must permit all construction products within its scope, which allow works to meet the essential requirements and which are produced and used lawfully in accordance with technical experience adapted to local, climatic and other conditions, to be granted ETAs and 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, as far as practicable, in terms of

performance so that, in referring to the EOTA technical specifications, 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 guideline 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 EOTA guideline 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.
10. The ETA Guideline elaborated under the present mandate shall take into account the Guidance Papers issued by the European Commission.

ANNEX 1
FIELD OF APPLICATION

ULTRA THIN LAYER ASPHALT CONCRETE
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TO BE USED IN: ROADS CONSTRUCTION

FORM	MATERIALS	PRODUCTS/KITS FOR CONSIDERATION
Formless	Bituminous asphalt concrete Bonding system	Ultra thin layer asphalt concrete (UTLAC)

ANNEX 2

TECHNICAL TERMS OF REFERENCE

ULTRA THIN LAYER ASPHALT CONCRETE

PRODUCT FAMILY

ULTRA THIN LAYER ASPHALT CONCRETE

Ultra thin layer asphalt concrete is a proprietary hot mix asphalt road surface course laid at a nominal thickness between 10 and 20 mm with properties suitable for the intended use.

The method of bonding with is an essential part of the process.

Specific equipment is needed to implement the mix.

The grading curve is generally gap graded and the upper sieve size is not less than 5 mm and not greater than 11 mm.

Note: Very thin layer bituminous mixtures – 20 mm and 30 mm - are covered by prEN 13108-2. Thin layer bituminous mixtures – 30 mm to 50 mm – are included in asphalt concrete standard prEN 13108-1.

ER	PERFORMANCE CHARACTERISTIC	DURABILITY
1	Bond to substrate Water-sensitivity Sealing Resistance to deformation	Y Composition Freeze thaw resistance
2	Reaction to fire	
3	Dangerous substances	
4	Skid resistance Texture	
5	Noise absorption	

ANNEX 3
ATTESTATION OF CONFORMITY

ULTRA THIN LAYER ASPHALT CONCRETE (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 EOTA 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, EOTA are requested to specify the following system(s) of attestation of conformity in the relevant ETA guideline:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Ultra Thin Layer Asphalt Concrete	Road construction	-	2+
System 2+: See Directive 89/106/EEC Annex III.2.(ii), First possibility including certification of factory production control by a notified body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of the factory production control.			

3. Conditions to be applied by EOTA 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.

ULTRA THIN LAYER ASPHALT CONCRETE (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, EOTA 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 EOTA 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, EOTA are requested to specify the following system(s) of attestation of conformity in the relevant ETA guideline:

Product(s)	Intended use(s)	Level(s) or class(es) <i>(reaction to fire)</i>	Attestation of conformity system(s)
Ultra Thin Layer Asphalt Concrete	for uses subject to regulations on reaction to fire	$A1_{fl}^3, A2_{fl}^3, B_{fl}^3, C_{fl}^3$	1
		----- $A1_{fl}^4, A2_{fl}^4, B_{fl}^4, C_{fl}^4, D_{fl}, E_{fl}$ -----	3
		$(A1_{fl} \text{ to } E)5, F_{fl}$	4
<small>System 1: see CPD Annex III(2)(i), without audit-testing of samples. System 3: see CPD Annex III(2)(ii), second possibility. System 4: see CPD Annex III(2)(ii), third possibility.</small>			

3. Conditions to be applied by EOTA 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 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 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

3.4 For products falling under system 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

ANNEX 4
DANGEROUS SUBSTANCES

ULTRA THIN LAYER ASPHALT CONCRETE
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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.

Guidance paper **H** has been elaborated by the Commission, with the title "A harmonised approach relating to dangerous substances under the construction products directive". The guidance paper makes a link to a database that contains information about Community and national provisions on dangerous substances (to be found at the Construction web site "CREATE" on EUROPA, accessed through <http://europa.eu.int>). Specification writers should use this database as a guide but must also take account of any other relevant legislation or dangerous substances, which the database does not yet include.