Commission Delegated Decision (EU) 2019/1764 of 14 March 2019 supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council with regard to the applicable systems to assess and verify constancy of performance of balustrade kits and railing kits intended to be used in construction works solely to prevent falls and not submitted to vertical loads from the structure (Text with EEA relevance)

COMMISSION DELEGATED DECISION (EU) 2019/1764

of 14 March 2019

supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council with regard to the applicable systems to assess and verify constancy of performance of balustrade kits and railing kits intended to be used in construction works solely to prevent falls and not submitted to vertical loads from the structure

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC[(1)], and in particular Article 28(2) thereof,

Whereas:

(1) An appropriate decision for assessment and verification of constancy of performance does not exist for balustrade kits and railing kits intended to be used in construction works solely to prevent falls and not submitted to vertical loads from the structure. It is therefore necessary to establish which systems of assessment and verification of constancy of performance are applicable to those balustrade kits and railing kits.

(2) Taking into account the experience on the behaviour of the products in question during their working life, as depicted in the survey carried out on the reasons for failures of these products, the assessment of their performance regarding all essential characteristics, except reaction to fire, should be carried out by the manufacturer before placing the product on the market. More onerous systems are not necessary. For the reaction to fire performance, the choice of systems 1, 3 or 4 should be considered appropriate by making reference to different subfamilies of products,

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to balustrade kits and railing kits intended to be used in construction works solely to prevent falls and not submitted to vertical loads from the structure.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Decision (EU) 2019/1764. (See end of Document for details)*

Article 2

The balustrade kits and railing kits referred to in Article 1 shall be assessed and verified for constancy of performance in relation to their essential characteristics in accordance with the systems specified in the Annex.

Article 3

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 March 2019.

For the Commission

The President

Jean-Claude JUNCKER