



Federal Ministry for the
Environment, Nature Conservation,
Building and Nuclear Safety

Show menu

[Home](#) > [Press](#) > [Current Press Releases](#) > [German government brings action against European Commission](#)

19.04.2017

Construction products: German government brings action against European Commission

High standards for safety, environmental and consumer protection must remain in place for construction products

The German government is of the opinion that certain EU construction standards are being implemented inadequately or incompletely. For this reason, the Government brought an action today against the European Commission in the General Court of the European Union. The safety of construction works, environmental protection and public health would be at risk if the standards are applied in their current form.

EU member states are obliged to use European harmonised standards for construction products to determine and monitor the products' quality and performance. The member states are not permitted to require any other tests in addition to the European CE mark, as the European Court of Justice recently ruled.

The German government believes that the current standards pose a risk to the safety of construction works as well as to certain requirements of environmental protection and public health. In 2015, Germany therefore raised objections pursuant to Article 18 of Regulation (EU) No 305/2011 concerning six inadequately harmonised standards for construction products in order to close the gaps in these standards. The Commission dismissed two of the objections. These concerned wood flooring and surfaces for sport areas. Germany has now brought an action on this matter to the General Court of the European Union.

The Commission considers additional quality or product requirements in European standards to be unlawful and has removed references to supplementary, nationally applicable provisions from the standards. In Germany's opinion, this further restricts regulatory options regarding the construction of safe buildings and lowers the level of environmental and consumer protection.

For example, if harmonised EU standards are applied without additional disclosures today, construction companies that install flooring in gymnasiums or nurseries, or wood flooring and parquet, could no longer check whether these floors release substances that are harmful to health.

Manufacturers would no longer be obliged to document emissions from their flooring products. As a result, home owners and tenants could be at risk of exposure to higher pollutant concentrations.

The aim of Germany's action is for the Commission decisions in question to be repealed by a General Court ruling, thereby legally opening the option of setting additional national provisions. The petition was coordinated between the Länder and the federal government and submitted to the General Court of the European Union before today's deadline for initiating legal action.

In this current transitional period, the existing requirements for construction products, as laid down in the building regulations of the Länder, are still applicable. This ensures that safe construction is still possible.

Further information:

The aim of the action is to achieve annulment of the following Commission decisions and a partial annulment of the Commission communications in the framework of implementing Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ C 76, 10 March 2017, p. 32):

COM Decision (EU) 2017/145 of 25 January 2017 EN14904:2006 "Surfaces for sport areas"

COM Decision (EU) 2017/133 of 25 January 2017 EN14342:2013 "Wood flooring"

19.04.2017 | Pressreport No. 122/17 | Construction

Kurzlink: www.bmub.bund.de/PM7021-1

[Legal information](#) [Contact](#) [Privacy](#)