



News Release: April 2017

National approvals for CE marked products a barrier to trade says EAPFP

The **European Association for Passive Fire Protection (EAPFP)** has declared additional national approvals for CE-marked construction products are a clear barrier to trade and contravene European law.

The move comes following the introduction in Germany of an additional national approval for some construction products, including passive fire protection.

The current draft of the German Regulation (Verwaltungsvorschrift) does not allow the use of certain CE-marked construction products without an additional national document, called “Bauartgenehmigung” (acc. to §16a, Musterbauordnung/MBO, 2016). This links the usage in a building directly to the product via the applied European testing and classification standards.

The Association suggests that the German authorities appear to try and declare product-related requirements which already incorporate usage requirements as building-related requirements. In doing so, they introduce all kinds of installation and job-site related issues.

The EAPFP says that for those construction products which declare all required performances for the usage of such a product in the Declaration of Performance (DoP) or respectively in the European Technical Assessment, such additional required “approvals” are a barrier to trade. As such they infringe the Construction Product Regulation (EU) No 305/2011, Article 8, para 4.

This states that “A Member State shall not prohibit or impede, within its territory or under its responsibility, the making available on the market or the use of construction products bearing the CE marking, when the declared performances correspond to the requirements for such use in that Member State.”

EAPFP's position is that free movement of construction products and the use of such products is a key element in further growth of the construction sector as a whole, and fire protective products in particular.

“National barriers, potentially explainable and justifiable from historic perspectives, and related to short term objectives, are detrimental in the long term to our market sector, and thus for the economies of European Member States,” says EAPFP President Joric Witlox.

“EAPFP supports the CE-mark as the only mark, that assesses the product characteristics, allowing access to the market.”

The Association notes that this position is also supported by the Court of Justice of the European Union (CJEU) which, in a judgment on 16 October 2014, case C-100/13, also advised that Germany was impeding the free movement of construction products.

For further information on the EAPFP, visit www.eapfp.com; tel: +44 (0)1420 471616; e-mail: admin@eapfp.com



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Notes to Editors

EAPFP was formed in 1988 to act as a European voice on behalf of national associations representing manufacturers, contractors and other institutions involved in the fire protection to steelwork, timber, and other passive fire protection applications, including penetration seals and ductwork.

Countries represented by EAPFP members include Austria; Belgium; Cyprus; Denmark; France; Germany; Ireland; Italy; Netherlands; Norway; Russia; Slovak Republic; Spain; and UK.

The Association campaigns to raise the standard of fire safety in buildings and offers a range of publications and guidance notes in several languages. The EAPFP also has representation on the European Union Technical Committees involved in developing product standards across Europe.

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