1. The Commission is fully aware that some Member States, including Germany, have been putting in place additional national requirements for CE–marked construction products. The recent Commission Staff Working Document SWD(2019)1770 on the evaluation of Regulation (EU) No 305/2011 has indicated that such actions are not complying with Construction Products Regulation (EU) No 305/2011 and the case law of the Court of Justice (cf. cases C-100/13, T-229/17 and T-53/18).

In line with the Commission’s infringement policy, the Commission has continued bilateral dialogues with Member States, so as to convince them to cease such illegal practices. Moreover, the Commission services have informed industry stakeholders about the possibility to challenge such practices at national courts, and committed to assist in such judicial procedures by defending the line taken and accepted by the European Court of Justice.

2. The Commission has issued a detailed opinion on the Model Administrative Rules on Technical Building Regulations (MVVTB) 2019/1 version, recently notified by Germany under Directive 2015/1535/EU (TRIS 2019/306/DE). In this opinion, Germany has explicitly been asked to adjust the draft text in order to eliminate the systemic issues of non-compliance remaining in this version.