

WRITTEN QUESTION P-2862/07
by Pia Elda Locatelli (PSE)
to the Commission

Subject: Obstacles posed by a German certification body to free competition in fittings for water and gas distribution plants

In Germany, proper enforcement of Council Directive 89/106/EEC¹ of 21 December 1988 is being obstructed by the activities of a private certification body, the Bonn-based Deutsche Vereinigung des Gas- und Wasserfaches e. V (DVGW). This body, which has a monopoly on the certification of fittings intended for use in gas and water distribution plants, awards marks and issues regulations mentioned in various German statutory provisions, which imply that they are compulsory without specifying their relationship to the CE marking system.

As a result, and despite the fact that it has observed the guidelines set out in the above-mentioned European directive, a leading Italian manufacturer of joints for water and gas distribution plants cannot market its products in Germany. The reason is that the DVGW 'W 534' standard

- imposes requirements over and above those laid down in the EN 681-1 standard;
- entails a durability test not provided for in the European standard;
- lays down different test parameters from those specified in the European standard.

The DVGW is a certification and standardisation body which national legislation has placed in an 'atypical' dominant position at odds with Community regulatory policy principles. This case has no equivalent in any other European country in the sector concerned. In terms of scope, the mark awarded by the German body overlaps with EC marking.

The conclusion, therefore, is that the German body is adversely affecting the operation of the European market in fittings for water and gas distribution plants.

Is the Commission aware of this situation?

What steps and measures has it taken or will it take in response to the facts described?

¹ OJ L 40, 11.2.1989, p. 12.