

WBP manufacturers and VHI think this sends a message for other cases

European Court of Justice confirms harmonisation of standards

In a judgement issued on 10 April 2019, the General Court within the European Court of Justice (ECJ) has described additional national requirements for products governed by harmonised European standards as not admissible.

This ruling dismissed a case filed by the Federal Republic of Germany against two decisions made by the European Commission on 19 April 2017. In 2015, Germany had raised objections to six building product standards, which it felt were not fully harmonised. The country claimed that these standards jeopardised structural safety and certain requirements to protect the environment and human health. The European Commission had dismissed two of the six complaints on 25 January 2017. Additional quality characteristics and product requirements governed at the national level in European standards were described as illegal. Therefore, references to supplementary rules applying at national level were removed from the standards. The standards in question are

EN 14 342 "Wood Flooring" and EN 14 904 "Surfaces for sports areas".

For its part, Germany had asserted that reviewing VOC emissions from wooden flooring, parquet and sports surfaces was not possible when using these harmonised EU standards without additional stipulations. At the same time, flooring producers would no longer be required to demonstrate VOC emissions from their products. From a German perspective, excessive pollutant concentrations could ensue. In the case submitted to the ECJ, Germany called for the European Commission's decisions and subsequent publications in the EU Official Journal to be annulled, making national supplementary rules possible as a legally binding option.

In its decision, the ECJ confirmed that an EU member state must not stipulate one-sided national requirements, even if there are gaps or errors in harmonised standards, since this raised questions about the effectiveness of harmonised

standards and would hinder the free movement of goods. EU member states must ensure structural safety and rules to protect the environment and human health. However, this must take place through the usual method to review harmonised standards. The ECJ has thus confirmed the full harmonisation of European standards.

A few wood-based panel producers and the German Wood-Based Panel Industry Association (VHI), based in Berlin, feel that the recent ruling sends a message for other similar standardisation cases. Examples include actions taken by the German Federal Environment Agency (UBA) to change over measuring methodologies to identify formaldehyde emissions from wood-based panels and the implementation of technical building rules (MVV TB) in Germany. UBA's proposal was approved by the German federal/regional working committee for chemical safety (BLAC – Bund/Länder-Arbeitsgemeinschaft Chemikaliensicherheit) in late September 2018. As a result of this BLAC decision, DIN EN 16516 was set as the new reference method for determining formaldehyde emissions from wood-based panels in a testing chamber with publication in the German Federal Gazette on 26 November. This new standard shall replace EN 717-1, which has until now been the reference method used throughout Europe, in Germany by the end of 2019. Published by the German Institute for Building Technology (DIBt) on 31 August 2017, the MVV TB rules contains the lowest concentration of interest (LCI) values for 195 substances in 12 substance classes, including for VOCs and formaldehyde. The wood-based panel industry also views these rules as one country going it alone in a step that creates special rules for Germany and thus counteracts the goals of the EU Internal Market. □



(Photo credit: ECJ)