



SEEKING A UNIFORM REGULATION

Regulations for VOC emissions from coatings. By Daniel Tigges eco-Institut Germany GmbH, Karin Roth

There is currently no uniform regulation in the EU concerning the health-related assessment of VOC emissions from coatings and other construction products. This is set to change in the future.

Coatings are – along with other construction products – one of the main sources of volatile organic compounds (VOCs) in indoor air. Since January 2018, DIN EN 16516 has provided a uniform EU-wide test standard for measuring VOC emissions. In contrast, the health-related assessment of VOC emissions has not yet been regulated consistently in the EU: the EU Construction Products Regulation (CPR) stipulates that buildings and the materials used in them must not pose any risk to the environment or health. The harmonised EU product standards, however, lack the corresponding requirements to completely record and evaluate health-endangering risks. This leaves it up to the individual EU Member States to decide how to implement the CPR in practice. Some countries, such as Germany, Belgium and France, have issued individual regulations for certain construction products, such as paints, varnishes and floor and wall coverings. These regulations contain – sometimes very different – health-related emission assessment systems.

EUROPEAN COURT OF JUSTICE OVERTURNS GERMAN SPECIAL REGULATION ON HEALTH PROTECTION

In Germany, the regulations for construction products have changed significantly in the last two years. The following applied until October 2016: indoor construction products for which a harmonised EU product stand-

ard exists (e.g. fire protection coatings) had to be additionally tested for emissions as part of their approval. They subsequently received the national Ü conformity mark – in addition to the CE mark. In October 2014, the European Court of Justice (ECJ) declared this German special regulation inadmissible for reasons of competition law. The result: since 16 October 2016, CE-marked construction products are no longer allowed to display the Ü conformity mark on their packaging. This also put an end to the tried-and-tested German system of mandatory emission measurements, with which manufacturers could prove the CPR requirements concerning health protection for their CE-marked construction products.

AMENDMENT OF THE GERMAN BUILDING CODE LAW

Due to the ECJ ruling, Germany was forced to adapt its building law and to develop a new model building code including a new administrative order – the Model Administrative Provisions – Technical Building Rules (MVV TB) (the MVV TB contains requirements for structural installations and construction products with regard to health protection – see info box). In the revised regulations, a clear distinction is now made between national and CE-marked construction products. Simultaneous marking of construction products with the CE mark and the Ü conformity mark is thus no longer permissible, as called for by the EU.

Manufacturers of construction products now have various options for proving health protection in accordance with the requirements of MVV TB in Germany – depending on whether or not a harmonised EU product standard exists for the construction product concerned: by means of a



NEW RULES

The new Model Administrative Provisions – Technical Building Rules (MVV TB) specifies the new Model Building Code (MBO) and thus the general requirements for buildings. It replaces the previous Construction Products Lists as well as the Lists of Technical Building Rules of the federal states. What is new, in particular, is that the MVV TB now defines requirements, which related to construction products in the old rules and regulations, at a building level – analogous to the EU Construction Products Regulation. For indoor air quality, however, MVV TB explicitly points out that the requirements relating to buildings are derived from the health-relevant properties of the construction products used. A list of construction products that release VOCs and can thus influence the quality of indoor air can be found in Appendix 3 to Appendix 8 (Requirements for Building Facilities with regard to Health Protection, ABG).

Further information can be found at:

www.dibt.de/de/aktuelles/novellierung-des-bauordnungsrechts (only in German)

“The first steps have already been taken.”

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European Technical Assessment (ETA), by means of voluntary evidence, by means of National Technical Approval (abZ) or by means of approval on an individual basis.

For construction products without a harmonised EU product standard, technical construction regulations or other technical rules (called unregulated construction products), which require proof of usability in accordance with MVV TB, an abZ must generally – still – be applied for (alternatively, an ETA is also possible). These products are tested for emissions and marked with the Ü conformity mark (in the case of an ETA, with the CE mark). This applies, for example, to on-site coatings for wooden floor coverings.

For construction products without a harmonised EU product standard, which do not have to prove their usability (formerly “other construction products”), neither an abZ nor an emission test in accordance with MVV TB is currently mandatory. In general, however, voluntary proof of emissions makes sense here as well, since the products concerned (e.g. wall paints) can have a considerable influence on indoor air quality.

Manufacturers of construction products with a harmonised EU product standard can also document their health protection requirements within the framework of an ETA or – new – with the aid of voluntary proof, which includes the technical documentation and emission testing of the product. This may include, for example, fire protection coatings. In all likelihood, these regulations will apply until there is a uniform EU-wide solution – the first steps have already been taken.

IN PLANNING: VOC DECLARATION OBLIGATION FOR CONSTRUCTION PRODUCTS

In January 2018, the EU published the German version of DIN EN 16516 – a test standard that uniformly regulates the emission measurement of construction products (DIN EN 16402 also applies to coatings). DIN EN 16516 now still has to be anchored in the individual harmonised EU

product standards. This is associated with an obligation to test and declare: in future, affected manufacturers will have to have their products tested for emissions and indicate the measurement results in the CE declaration of performance. What the new declaration will look like, however, has not yet been determined. The declaration is planned in the form of VOC classes – based on the concept of fire classes. This class concept is currently being developed by the EU and is intended to harmonise the declarations of performance for products in Europe, but also to provide building planners and consumers with better information.

It will be some time before the new VOC declaration can be found on CE performance declarations: the obligation to test and declare for certain floor coverings and ceiling claddings should actually be introduced as early as 1 February 2019. However, the adapted product standards are still in the draft stage – publication in the EU Official Journal is still pending. In addition, a transition period (called a coexistence phase) normally applies after publication, during which CE marking can also take place according to the “old” scheme. 



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