

Message 001

Communication from the Commission - TRIS/(2026) 1309

Directive (EU) 2015/1535

Notification: 2026/0238/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261309.EN

1. MSG 001 IND 2026 0238 DE EN 12-05-2026 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Energie, Referat EB3

3B. Fachkommission Bauaufsicht der Bauministerkonferenz, Konferenz der für Städtebau, Bau- u. Wohnungswesen zuständigen Ministerinnen und Minister und Senatorinnen und Senatoren der Länder (ARGEBAU)

4. 2026/0238/DE - B20 - Safety

5. DRAFT – Model Ordinance on the Application of Regulations of the Ordinances Issued Pursuant to Section 31 of the Act on Installations Requiring Monitoring to Building Structures (MBauÜAnIVO)

6. Construction products, insofar as they are used for the construction of installations within the scope of the MBauÜAnIVO.

7.

Requirements which reserve access to particular providers

Inspection activities pursuant to Section 2 of the notified regulation may be carried out by any approved supervisory body or – where provided for the respective type of installation – by any person qualified to perform such inspections. The provisions in this regard are neither directly nor indirectly discriminatory. The provisions on inspection requirements pursuant to Section 2 of the notified draft regulation are considered necessary for installations falling within the scope of the regulation, as the hazards and risks that may arise from installations subject to monitoring exist irrespective of whether the respective installation is used for commercial or solely private purposes. Given the potential risks posed by the installations within the scope of the notified regulation, the provisions are proportionate.

Directive (EC) No 2006/123 on services in the internal market

8. The notified regulation applies to technical installations for private use which do not serve commercial or economic purposes and in which no workers are employed in the danger zone. This includes lifts, equipment in potentially explosive atmospheres (e.g. electrolyzers used to produce hydrogen), pressure vessels (e.g. liquefied gas tanks, hydrogen storage tanks) and pipelines carrying hydrogen under internal pressure. The notified regulation contains, in particular for these installations, provisions on the required inspections prior to commissioning and recommissioning, periodic inspection, inspection records, inspection certificates and inspection documentation, as well as notification obligations in the event of accidents and damage incidents.

9. There is a need to regulate installations within the scope of the regulation because these installations can pose hazards and risks which must also be addressed in the case of private use of the installations. The notification is submitted on behalf of the 16 federal states.

9a. By establishing binding requirements in a statutory ordinance for the installations defined within the scope of the provision, legally certain application of the rules is ensured.

9b. The need for regulation is recognised because the risks that may arise from the installations falling within the scope of the ordinance also exist in the private use of such installations. By establishing, in particular, inspection requirements and inspection intervals, these hazards and risks are addressed effectively and in a manner appropriate to their nature and extent, as these measures ensure that the entire installation constructed and operated on site is examined from a safety perspective. This makes it possible to identify and eliminate risks resulting from the handling and use of such installations.

9c. In the notified provision, determinations are made only to the extent necessary, i.e. at the lowest possible level. The provisions are limited to the minimum necessary with regard to inspection obligations, documentation and notification obligations, and therefore avoid excessive burdens on the operator while at the same time increasing the safety of users of these installations.

In addition, the competent authorities are granted discretionary power to permit deviations from these obligations upon application, for example to shorten inspection intervals where this is technically justified or required from a safety perspective.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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