



Reports of Cases

Case C-484/10

Asociación para la Calidad de los Forjados (Ascafor) and Asociación de Importadores y Distribuidores de Acero para la Construcción (Asidac)

v

Administración del Estado and Others

(Reference for a preliminary
ruling from the Tribunal Supremo)

(Free movement of goods — Quantitative restrictions and measures having equivalent effect — Directive 89/106/EEC — Construction products — Non-harmonised standards — Labels of quality — Requirements relating to certification bodies)

Summary of the Judgment

Free movement of goods — Quantitative restrictions — Measures having equivalent effect — National legislation allowing only reinforcing steel that meets a number of technical specifications to be used in construction — Unlawful — Justification — Protection of human health

(Arts 34 TFEU and 36 TFEU; Council Directive 89/106)

Articles 34 TFEU and 36 TFEU must be interpreted as meaning that the requirements laid down by national legislation which allows, in construction, only the use of reinforcing steel that meets a number of technical specifications, namely, either that it is established that the reinforcing steel complies with the technical specifications following checks and tests carried out on acceptance of each batch of the product, or that the reinforcing steel has an officially recognised label of quality, that is to say, that it is certified that the producer adhered to the constraints laid down in the national legislation during the production process, amount to restriction of the free movement of goods. Such a restriction may be justified by the objective of the protection of human life and health, provided the requirements laid down are not higher than the minimum standards required for the use of reinforcing steel for concrete in the Member State concerned. In such a case, it is for the referring court to ascertain — when the entity granting the certificate of quality that must be officially recognised in the Member State concerned is an approved body within the meaning of Directive 89/106 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, as amended by Directive 93/68 — which of those requirements go beyond what is necessary for the purposes of attaining the objective of the protection of human life and health.

(see paras 23, 24, 71, operative part)