

WRITTEN QUESTION E-1340/08
by Karl von Wogau (PPE-DE)
to the Commission

Subject: Insurance of construction risks in France

According to the French Civil Code, the builder/manufacturer of a construction in France is liable for claims against warranty for 10 years. Therefore, every firm in the building trade must take out the compulsory 'Assurance de la Responsabilité Décennale' insurance. Applications from German firms are not granted automatically. Document 14/1367 dated 14 June 2007 of the Baden-Württemberg State Parliament shows that 500 applications for the 'Assurance de la Responsabilité Décennale' were made by German firms to the Caisse d'Assurance Mutuelle du Bâtiment in Strasbourg via the Vereinigte Haftpflichtversicherung (VHV) in 2006. Only five of these were granted.

In addition, German firms cannot – unlike French companies – take out one-year insurance policies but must insure each job separately. In practice this makes it virtually impossible for German firms to undertake work in France, as they face higher costs than French companies, which can take out one-year policies. French insurance companies offer insurance cover to parties from other Member States looking to take out policies only if they establish themselves in France.

I would be happy to provide the Commission with the above-mentioned document from the State Parliament.

- Is the Commission aware of this situation?
- Does the Commission think that the procedure for taking out insurance as described here represents a restriction on the cross-border activity of craftspeople/companies?
- What action will the Commission take to make it possible for craftspeople from other Member States to work in France without having to establish themselves there?