

**DIBt**

Statutes of  
Deutsches Institut für Bautechnik

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Deutsches Institut für Bautechnik**

of 24 September 1993 (Amtsblatt für Berlin p. 3101)  
taking account of the amendments  
of 27 January 1995 (Amtsblatt für Berlin p. 243),  
26 May 1995 (Amtsblatt für Berlin p. 1690),  
29 March 1996 (Amtsblatt für Berlin p. 1086),  
20 December 1996 (Amtsblatt für Berlin p. 4406),  
1st August 1997 (Amtsblatt für Berlin p. 2814),  
3rd November 2000 (Amtsblatt für Berlin p. 4228),  
21 December 2001 (Amtsblatt für Berlin p. 5622),  
20 June 2003 (Amtsblatt für Berlin p. 2486),  
28 May 2004 (Amtsblatt für Berlin p. 2217) and  
18 August 2008 (Amtsblatt für Berlin p. 2120).

Based on Article 7(2) N° 1 of the Agreement on Deutsches Institut für Bautechnik (DIBt Agreement) the Verwaltungsrat of Deutsches Institut für Bautechnik (DIBt) adopts the following Statutes:

**§ 1  
General**

- (1) Deutsches Institut für Bautechnik (Institute) is an incorporated public law institution having legal capacity, resident in Berlin (Article 1(1) DIBt Agreement).
- (2) The inscription on the Institute's seal reads "Deutsches Institut für Bautechnik".

**§ 2  
Ausschüsse für Grundsatzfragen**

(1) According to Article 7(2) N° 6 and Article 9 of the DIBt Agreement the following *Ausschüsse für Grundsatzfragen (GA)* are set up at the Institute:

1. *Grundsatzausschuss* for questions along inter-disciplinary lines concerning proof of fitness for use and verification of serviceability (GA 1). This committee is also responsible for:
  - a) discussing the making up of the lists under Article 2(2) of the DIBt Agreement and
  - b) decision-making on recommendations concerning drafts of guidelines for European technical approvals.
2. *Grundsatzausschuss* for advising the Institute on questions dealing with pollution control, public health care and protection against hazards at work (GA 2).
3. *Grundsatzausschuss* for advising the Institute on questions dealing with water and soil protection (GA 3).

(2) When deciding on the composition of the *Grundsatzausschüsse*, the Verwaltungsrat shall ensure adequate participation of representatives, in particular from:

Building and housing, economy, transportation, pollution control, public health care, protection against hazards at work, water resources management, waste, post and telecommunications.

**§ 3  
Sachverständigenausschüsse**

(1) According to Article 7(2) N° 9 and Article 10 of the DIBt Agreement *Sachverständigenausschüsse* are set up at the Institute for the following tasks:

1. *Sachverständigenausschüsse* for discussing guidelines for technical approvals and principles of technical approvals for the granting of European technical approvals and national technical approvals\*) (*A-Ausschüsse*),
2. *Sachverständigenausschüsse* preparing the granting of European technical approvals and national technical approvals as well as advising comments on draft European technical approvals by approval bodies of other Member States of the EC (*B-Ausschüsse*).
3. *Sachverständigenausschuss* for general questions concerning the recognition of testing laboratories, inspection bodies and certification bodies on the basis of the Bauproduktengesetz and the Landesbauordnungen,
4. *Sachverständigenausschüsse* for discussing requests for the recognition of testing laboratories, inspection bodies and certification bodies.

Further *Sachverständigenausschüsse* can be set up by the *Verwaltungsrat* for other tasks. Federal departments and departments of the *Laender* concerned shall adequately be represented on the *Sachverständigenausschüsse*.

(2) The President can propose to the *Verwaltungsrat* that he sets up or dissolves *Sachverständigenausschüsse*.

(3) The *Sachverständigenausschüsse* must have a chairman and can have a vice-chairman, whereas *Sachverständigenausschüsse A* must have a vice-chairman. The tasks of the chairmen are specified in the Internal Regulations for *Sachverständigenausschüsse*.

(4) The President appoints the chairmen, their deputies and the members based on resolutions taken by the *Verwaltungsrat* under due consideration of designations by the Federal Government. The term of office of the experts is five years. It expires at the latest at the end of that year during which the expert reaches the age of 68. It will also expire once the expert has terminated his/her contractual relationship with the institution having suggested him/her. The *Verwaltungsrat* can with the approval of the sending body permit exceptions to sentences 3 and 4. For important reasons the appointment can be revoked before expiration of the term of office.

(5) On a *Sachverständigenausschuss A* there shall be at least seven but not more than 18 members.

(6) On *Sachverständigenausschüsse B* there shall be at least three but not more than ten members. *Sachverständigenausschüsse B* are set up from the circle of members of the *Sachverständigenausschuss A* responsible for the respective special field concerned.

(7) The *Sachverständigenausschüsse* can, in agreement with the President, call in further experienced persons as guests. Representatives of the responsible highest Land authorities and Federal departments are entitled to participate in the meetings of the *Sachverständigenausschüsse* without right to vote.

(8) The experts serve in an honorary capacity. The *Verwaltungsrat* decides concerning reimbursement of travel expenses and other outlay.

(9) A *Sachverständigenausschuss* has a quorum if at least half of the members are present. Decisions are taken by a simple majority of the votes cast of the members present. Taking of a decision by means of written procedure is permissible; sentences 1 and 2 shall apply accordingly.

(10) The Institute manages the affairs of the *Sachverständigenausschüsse*, coordinates their activities and informs them whenever and as deemed necessary for the subject matter on the activities of the other *Sachverständigenausschüsse*.

(11) The President can decide that several *Sachverständigenausschüsse* under her/his chairmanship, the chairmanship of her/his deputy, or under the chairmanship of the head of a division of the Institute discuss and resolve jointly. They have a quorum if at least half of the members of each committee are present. Paragraph 9 sentence 2 shall apply accordingly.

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\*) Until modification of all Landesbauordnungen questions regarding Prüfzeichen will be dealt with by the committees responsible for the granting of national technical approvals.

(12) The President can decide that in order to coordinate the activities of the *Sachverständigenausschüsse* the chairmen and their deputies of the *Sachverständigenausschüsse* discuss and resolve jointly under her/his chairmanship. The assembly has a quorum if half of this group of persons is present. Paragraph 7 sentence 1 and paragraph 9 sentence 2 shall apply accordingly.

(13) The President shall perform joint discussions according to paragraphs 11 and 12 if so demanded by a *Sachverständigenausschuss*; she/he must perform them if so demanded by the *Verwaltungsrat*.

(14) The President draws up Internal Regulations for the *Sachverständigenausschüsse* which shall also include provisions on joint discussions under paragraphs 11 and 12 as well as on the hearing of an applicant.

#### **§ 4 Fees and Outlays**

(1) For official acts within the scope of tasks under Article 2 of the DIBt Agreement the Institute shall charge administrative fees in accordance with paragraphs 2 to 9 and according to the list of fees given in Annex 1.

(2) For official acts the scope of which is fixed in the list of fees, the fees shall be rated depending on

- a) the importance of the subject and the economic benefit for the persons involved,
- b) the extent of the official act and the difficulties arising on performing the official act (work time spent); when rating according to the work time spent the hourly rate per hour of work can be based on as given in Annex 1 Subheading 5,
- c) the economic situation of the debtor of fees.

(3) Is the request to perform an official act rejected one tenth up to eight tenth of the total amount of the fees shall be charged. These fees shall be reimbursed or be credited with the fees for the official act desired if the rejection order is annulled in opposition proceedings or legal proceedings in an administrative court. Is the request rejected due to insufficiency fees shall not be charged.

(4) Is the request to perform an official act withdrawn one tenth up to six tenth of the total amount of the fees shall be charged if work on the subject matter has already begun with but the official act not having been completed yet.

(5) Costs for checking of calculations relating to static equilibrium and of engineering drawings, costs for tests and experts' opinion, the opinion by the *Sachverständigenausschüsse* excepted, shall be reimbursed as cash expenditures. The same shall apply to travel expenses incurring in an individual case; these can be levied by a percentage of the fees to be paid as a result from the ratio of travel expenses of members of the *Sachverständigenausschüsse* to the receipts realized from fees and compensation for services rendered; decisive is the ratio of the preceding financial year.

(6) Has an official act due to a contested administrative act been denied or performed against charges, a fee for the objection amounting to the sum earmarked for the administrative act shall be paid so far as the ruling is being kept to. This shall also apply to objections to administrative acts of officially recognized testing laboratories within the scope of procedure for the granting of national technical test certificates so far as Deutsches Institut für Bautechnik is responsible for issuing objections. Is the objection directed against the demand for payment of fees only a fee amounting to one tenth of the sum in dispute shall be levied.

(7) The Institute can ask for advances on costs up to the amount of the probable fees and outlays.

(8) For the leaving of guidelines, registers, approvals and other publications an administrative fee according to the scale of fees of Annex 1 will be collected.

(9) In all other respects the provisions of the Land law of the Land Berlin shall apply.

**§ 5**  
**Payment for services rendered**

Preparing decisions on

1. the recognition of testing laboratories, inspection bodies and certification bodies according to the Bauproduktengesetz;
2. recognition of testing laboratories, inspection bodies and certification bodies as well as corresponding recognition of authorities under the Landesbauordnungen, and
3. applications for type approvals,

as well as giving expert opinion shall be subject to payment for services rendered according to Annex 2.

§ 4 paragraphs 2 to 5 shall apply accordingly.

The Federal Government and Laender Governments shall not pay for services rendered, unless third parties can be called upon to reimburse payment for services rendered.

**§ 6**  
**Audit of the accounts**

(1) After the end of the financial year the President shall draw up the annual accounts.

(2) The annual accounts shall be checked by an auditor or an auditing company. Keeping of the principle of profitability and thrift shall also be checked as well as the budgetary provisions of the Land Berlin. The right of the Audit Office of Berlin to audit shall remain unaffected.

**§ 7**  
**Entry into force**

These Statutes shall enter into force the date after their publication.

**Annex 1**

**Scale of fees of Deutsches Institut für Bautechnik**

Sub-heading	Object	Fees €
1	<p><i>Allgemeine bauaufsichtliche Zulassungen</i> Approvals of unregulated construction products and types of construction (1) Class 1: Approvals of unregulated construction products if test conditions and requirements relating to construction products are laid down in standards or approval guidelines Period of validity limited to five years</p> <p>Class 2: Approvals of other unregulated construction products as well as other unregulated types of construction the application of which (design and execution) can mainly be assessed according to technical building provisions Period of validity limited to five years</p> <p>Class 3: Approvals of unregulated types of construction and construction products if not covered by Class 2 Period of validity limited to five years</p> <p>(2) Is the period of validity limited to less than five years the fees to be fixed according to paragraph (1) shall lessen by 10 per cent for each year under the five-year period.</p> <p>(3) Where a <i>Zulassungsbescheid</i> covers several types of execution of the approval object the fees to be fixed according to paragraph (1) will be increased by up to 50 per cent for each additional type of execution.</p> <p>(4) Where the decision on the approval in an individual case has required time and effort to an extraordinary extent, fees can be increased of up to the double of the ceiling fees. The debtor shall be heard if such an increase in fees is to be expected.</p>	<p>500 to 15,000</p> <p>1,250 to 17,500</p> <p>2,500 to 30,000</p>
2	<p>European technical approvals</p> <p>a) with guidelines</p> <p>b) for products which differ significantly from technical specifications</p> <p>c) without guidelines</p> <p>Subheading 1 paragraph (2) to paragraph (4) shall apply accordingly</p>	<p>2,500 to 30,000</p> <p>2,500 to 30,000</p> <p>5,000 to 50,000</p>
3	<p>Renewal of period of validity, supplements or amendments to administrative acts under 1 and 2 Subheading 1 paragraph (4) shall apply accordingly</p>	<p>one tenth up to five tenth of the fees given in 1 and 2</p>
4	<p>Recognition of testing laboratories, inspection bodies and certification bodies</p> <p>a) according to the Bauproduktengesetz</p> <p>b) according to Landesbauordnungen</p> <p>c) according to Article 16 of the Construction Products Directive</p> <p>d) amending the recognition</p>	<p>1,000 to 20,000</p> <p>500 to 10,000</p> <p>1,000 to 15,000</p> <p>250 to 5,000</p>

- e) official acts within the scope of reviewing recognized testing laboratories, inspection bodies and certification bodies, revocation of recognitions included.

Per hour of work commenced amounting to 2.2 per cent of the basic monthly salary of a Berlin civil servant, highest classification of grade A15, rounded up to full EURO. The hourly rate will be published in the "Mitteilungen" of Deutsches Institut für Bautechnik.

When fixing the fee the provisions in Subheading 1 paragraphs (2) and (3) shall be applied accordingly.

- 5 Other official acts to the immediate advantage of the interested party as well as information in writing
- 6 Decisions in opposition proceedings
- 7 Leaving of publications

Per hour of work commenced, fee according to Subheading 4, subparagraph e).

One tenth up to ten tenth of the fee fixed for the contested administrative act

**Paper/Offline version**

- a) Approval and inspection guidelines  
b) *Bauaufsichtliche Richtlinien* ('national technical guidelines') by other committees  
c) Information leaflets  
d) Registers (inter alia approvals, *Werkkennzeichen*, manufacturers)  
e) Guidelines for European technical approvals  
f) Guidance papers  
g) Other publications

a) – g)  
5 to 50 per publication

**Online version**

a) – g)  
2 to 50 per publication

- h) *Allgemeine bauaufsichtliche Zulassungen* ('national technical approvals')  
i) European technical approvals granted by DIBt

h) and i)  
5 to 50 per publication

**Annex 2**

**Schedule for the payment of services rendered**

Sub-heading	Object	Payment for services rendered €
1	Preparing decisions on the recognition of testing laboratories, inspection bodies and certification bodies under the <i>Bauproduktengesetz</i> , the recognition of testing laboratories, inspection bodies and certification bodies as well as the corresponding recognition of authorities under the <i>Landesbauordnung</i> and decisions on applications for type approvals as well as giving expert opinions.	Per hour of work commenced amounting to 2.2 per cent of the basic monthly salary of a Berlin civil servant, highest classification of grade A15, rounded up to full EURO. The hourly rate will be published in the "Mitteilungen" of Deutsches Institut für Bautechnik.
2	Dealing with applications requesting to be entered on lists kept at Deutsches Institut für Bautechnik	150 up to 1,500