





Joint Committee on Housing, Local Government & Heritage Update:	 National Building Control & Market Surveillance Office (NBCMSO) support@nbco.gov.ie
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Contents

Opening Statement/Executive Summary.....	2
1. Background National Building Control & Market Surveillance Office (NBCMSO)	5
2. Market Surveillance of Construction Products in Ireland	5
2.1 Construction Products Regulations(CPR) Overview.....	6
2.2 Market Surveillance Overview	7
2.3 Construction Products Regulation-Compliance Assessment Overview.....	7
2.3.1 Formal Compliance	8
2.3.2 Technical Compliance	9
2.3.3 Essential characteristics	9
3 Ireland’s National Market Surveillance Strategy 2021/22.....	10
Table 1 Market Surveillance of Construction Products under S.I. 225 of 2013 Indicators to end September 2022.....	11
3.1 Market Surveillance Inspection Methodology.....	11
3.2 Market Surveillance Inspection Recording ICSMS, 	12
4 Quarries “Construction Products” -of which Aggregates main Constituent	12
4.1 Product Area Code 24 CPR.....	12
4.2 Product Area Code 17 CPR.....	12
5 Market Surveillance Campaigns (Aggregates) 2021/22.....	13
6 Learnings from two National Market Surveillance Campaigns.....	13
Appendix 1-Legislative Overview.....	15
Appendix 2 Regulation 305/2011 Product Area Codes	17
Appendix 3 Building Control & Market Surveillance responsibilities	18
Appendix 4 Information Note to Economic Operators.....	19



Opening Statement/Executive Summary

In 2019 the [**National Building Control Office**](#), was set up as a specialist unit (a shared service) hosted by Dublin City Council. This office provides oversight, support and direction for the development, standardisation and implementation of Building Control ([Building Control Acts 1990-2014](#)) in the state. The office also has responsibility for the development and management of the [Building Control Management System](#) the online administration system for building control in Ireland.

Building Control Authorities also have responsibilities under the EU Energy Performance in Buildings Regulations [S.I. 243 of 2012](#) and the EU [Construction Products Regulations EU 305/2011 \(S.I. No. 225 of 2013\)](#).

In 2020 under [S.I. 682 of 2020](#), the **National Market Surveillance Office**, was set up as a specialist (shared services) unit hosted by DCC. This office with the support of the two National Competent Authorities (GSI and TII), coordinates Market Surveillance of Construction Products ([Construction Products Regulations EU 305/2011 \(S.I. No. 225 of 2013\)](#)) activity, in the 31 Market Surveillance Authorities.

The office develops and manages the implementation of, in consultation with the stakeholders Ireland's National Market Surveillance Strategy which:

- Pursuant to Article 18(5) of Regulation (EC) 765/2008, Ireland's [National market surveillance programme 2021](#) is published on the website of the European Commission.
- Pursuant to Article 13 of Regulation 2019/1020 Ireland's [National Market Surveillance Strategy 2022 - July 2022](#) can be downloaded [here](#).

An Advisory Committee with membership from the three Regional Building Control Authorities, the [Construction Industry Council](#), The [National Fire & Emergency Management Directorate](#), the [Chief Fire Officers Association](#), & the [DHLGH](#) is chaired by [Richard Shakespeare Assistant Chief Executive Dublin City Council](#), on behalf of the [31 Local Authority Chief Executives](#).

The office together with the 31 Market Surveillance Authorities, supported by the National Competent Authorities carry out the Market Surveillance of Construction Products in Ireland on a reactive and proactive basis, under the [European Union \(Construction Products\) Regulations 2013 S.I. No. 225 of 2013](#), and [Regulation \(EU\) 1020/2019](#). These Regulations prescribe the obligations on economic operators, the requirements for the marketing of construction products in the EU; and the market surveillance procedures to be followed and the powers conferred on Building Control Authorities who are the Market Surveillance Authorities.

The primary purpose of the Construction Products Regulation is to break down technical barriers to trade to ensure the free movement of construction products across Member States within the European Union, ref. "[Frequently asked questions \(europa.eu\)](#)"

It does this by harmonising those elements which previously led to barriers to trade. In this regard, the Construction Products Regulation provides for:

- a [system of harmonised technical specifications](#) (over 450 harmonised European standards for construction products (hENs) are currently in force)
- an agreed system of [attestation of conformity and verification of constancy](#) for each product family (as set out in the harmonised technical specifications),
- a framework of [notified bodies](#), and
- the mandatory [CE marking of construction products](#) as a passport to the internal market.

The Construction Products Regulation was given effect in the European Union on the 1st of July 2013 with the result that each construction product for which a [harmonised European Standard \(known as a hEN\)](#) or a [European Technical Assessment](#) (known as an ETA) is in force must be accompanied by the following:



1. A copy of the CE Marking (enables construction products to move across all EU Member States, avoiding new assessments and certifications).
2. A valid Declaration of Performance (DoP) (provides information on the performance obtained using the assessment methods provided by the applicable harmonised technical specification).
3. The instructions and safety information relating to the product.

In the context of construction products, market surveillance refers to the activities carried out and the measures taken by Market Surveillance Authorities to ensure that construction products comply with the requirements set out in the Construction Products Regulation and therefore do not endanger the health, safety, or any other aspect of public interest protection.

It is important to note that “given the commercial sensitivities that may be involved, it is incumbent on all Market Surveillance authorities to take reasonable measures to guarantee the confidentiality of the technical documentation and such other information as may be supplied by an economic operator under these regulations in support of a product's compliance”.

It is the responsibility of the Economic Operators, according to their respective role in the supply chain, to ensure compliance with all relevant legislation and to fulfil all appropriate conformity assessment obligations.

Market Surveillance Authorities are required to perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks and when doing so shall take account of established principles of risk assessment, complaints and other information including the national market surveillance strategy. Where economic operators present test reports or certificates attesting conformity issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates. However, the Market Surveillance Authority does not and should not issue a compliance statement which may be seen as endorsing a product.

When assessing the compliance of a construction product, the Market Surveillance Authority may choose to consider all relevant legislative requirements (a full compliance assessment) or parts of them (a partial compliance assessment). The compliance assessment may be divided between [‘Formal’ compliance](#) (administrative requirements e.g., documentation, markings, etc.) and [‘Technical’ compliance](#) (essential characteristics requirements).

Construction products may have a very different intended use in buildings or civil engineering works and may have to fulfil different performance requirements. [A “construction product” may be compliant with the requirements of the “construction products regulations” but may not satisfy the requirements of the “building regulations”](#) i.e. may not “be fit for the use for which they are intended and for the conditions in which they are to be used”. Therefore, a responsibility rests with project designer/end user to correctly prescribe the product to be used in the specific construction project and to the end user to purchase the product with the prescribed performance for the specific intended use.

In other words, the end user must check the CE marking, the DoP and the Safety information in use to ensure that the “construction product” is fit for the intended use in the conditions in which it has to be used. Good guidance for aggregate concrete blocks is given in [A Guide to the marketing and use of Aggregate Concrete Blocks to EN 771-3 in Ireland](#), which clearly outlines the responsibilities for manufacturers, importers, distributors, specifiers, designers, builders, certifiers and end users.



In Ireland the economic operator must take into consideration the national provisions (i.e., the Irish Standard Recommendations (SR) and National Annexes) in place in relation to the intended uses of the product where they intend it to be made available on the market. The following National provisions i.e., Standard Recommendations relate to aggregates floors, underfloor, walls, plaster/render roads etc, listed below:

- a. [S.R. 16](#) provides National guidance on the use of I.S. EN 12620:2002+A1:2008 which specifies the properties of aggregates for concrete (i.e., ready-mix concrete, concrete blocks, precast concrete lintels, floors, walls etc.).
- b. [S.R. 17](#), provides National guidance on the use of I.S. EN 13043:2002 which specifies the properties of aggregates for use in bituminous mixtures (i.e., roads, airfields, and other trafficked areas, (this includes bituminous mixtures and surface treatments for roads, airfields, macadams, asphalts, surface dressing, and other trafficked areas etc).
- c. [S.R. 18](#), provides guidance on the use of I.S. EN 13139:2002 which specifies aggregates used to make masonry mortar, plastering/rendering, and floor screeds etc.
- d. [S.R. 21](#), 2014+A1:2016, provides National guidance on the use of I.S. EN 13242:2002+A1:2007 aggregates for use in civil engineering work and road construction, (i.e., pipe bedding, haunching, backfilling of filter drains, general fill material, sub-bases, underfloor fill, under concrete roads and footpaths).
- e. [S.R. 325:2013+A2:2018/AC:2019](#) provides recommendations for the design of masonry structures in Ireland to Eurocode 6 and masonry structures include the use of concrete blocks in construction.

Each individual construction product, manufactured to a Harmonised European Standard has a specified threshold level of performance for a given essential characteristic of the product. The manufacturer must ensure that the performance of their product meets the threshold levels listed in [Annex ZA of each harmonised standard](#).

In the context of the above this office has completed the [National market surveillance programme 2021](#) and is progressing [National Market Surveillance Strategy 2022 - July 2022](#). Ref, ref, [Table 1 below](#).

Overall, this office has carried out inspections in 163 aggregate related inspections; 58 reactive inspections, tested 150 samples of aggregate and aggregate constituent products; issued 86 requests for information; 9 “corrective actions”, recorded 71 inspections on the [ICSMS/EU](#) platform for recording inspections; assessed 76 RAPEX notices etc, and carried out the market surveillance audit of quarries in Donegal on foot of a request from the Minister.

The approach to the carrying out market surveillance inspections follows the methodology as set out in European Commission guidance document [Good practice for Market Surveillance](#) i.e., a programme of targeting, inspections & sampling, compliance assessment and follow-up actions and measures.

The key learning from the 2021 and 2022 market surveillance campaigns is that this office needs to drive the “*Promotion of Compliance*” with the Construction Products Regulations through:

- Industry Engagement
- Education
- Enforcement
- Resourcing



1. Background National Building Control & Market Surveillance Office (NBCMSO)

In 2019 the [National Building Control Office](#), was set up as a specialist (shared services) unit hosted by Dublin City Council. This office provides oversight, support and direction for the development, standardisation and implementation of Building Control ([Building Control Acts 1990-2014](#)¹) as an effective shared service in the 31 Building Control Authorities (BCA's). The office also has responsibility for the development and management of the Building Control Management System prescribed in S.I. 9 of 2014 to administer building control in Ireland.

Building Control Authorities also have responsibilities under the EU Energy Performance in Buildings Regulations [S.I. 243 of 2012](#) and are Market Surveillance Authorities under the EU [Construction Products Regulations EU 305/2011](#) ([S.I. No. 225 of 2013](#)).

In 2020 under [S.I. 682 of 2020](#), the **National Market Surveillance Office**, was set up as a specialist (shared services) unit hosted by DCC. This office with the support of the two National Competent Authorities (GSI and TII), coordinates Market Surveillance of Construction Products² ([Construction Products Regulations EU 305/2011](#) ([S.I. No. 225 of 2013](#))) activity, in the 31 Market Surveillance Authorities and, ref, [Appendix 1 Legislative Overview](#).

The office develops and manages the implementation of, in consultation with the stakeholders Ireland's National Market Surveillance Strategy which:

- Pursuant to Article 18(5) of Regulation (EC) 765/2008, Ireland's [National market surveillance programme 2021](#) is published on the website of the European Commission.
- Pursuant to Article 13 of Regulation 2019/1020 Ireland's [National Market Surveillance Strategy 2022 - July 2022](#) can be downloaded [here](#).

An Advisory Committee with membership from the three Regional Building Control Authoritiesⁱ, the Construction Industry Council, The National Fire & Emergency Management Directorate, the Chief Fire Officers Association, & the DHLGH is chaired by Richard Shakespeare Assistant Chief Executive Dublin City Council, on behalf of the 31 Local Authority Chief Executives.

2. Market Surveillance of Construction Products in Ireland

The [European Union \(Construction Products\) Regulations 2013 S.I. No. 225 of 2013](#), gives full effect in Irish law to the provisions set out in [Regulation \(EU\) No. 305/2011](#) (Construction Products Regulation (CPR)) and specified provisions of [Regulation \(EU\) No. 765/2008](#) (Market Surveillance Regulations). Furthermore [Regulation \(EU\) 1020/2019](#)³ (Market Surveillance Regulations) repealed sections of [Regulation \(EU\) No. 765/2008](#) and strengthened the provisions of Market Surveillance in Europe apply since 16th July 2021. Among other things [Regulation \(EU\) 1020/2019](#) provides for a "Single liaison Office"⁴ which represents the coordinated position of the market surveillance authorities and the authorities in charge of the control on products entering the Union market in Ireland; market surveillance of construction products is one part of this coordinated approach. It is noted that [S.I. No. 225 of 2013, the Construction Products Regulation](#) (CPR); Market Surveillance [Regulation \(EU\) No. 765/2008](#) and [Regulation \(EU\) 1020/2019](#) should be read in tandem to obtain a complete view of the obligations on economic operators, the requirements for the marketing of construction products covered by the CPR and the market surveillance procedures to be followed and the powers conferred on Building Control Authorities who are Market Surveillance Authorities.

1 <https://revisedacts.lawreform.ie/eli/1990/act/3/front/revised/en/html>

2 https://ec.europa.eu/growth/sectors/construction/product-regulation_en

3 [Regulation \(EU\) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations \(EC\) No 765/2008 and \(EU\) No 305/2011](#)

4 [The Department of Enterprise, Trade and Employment is the Single Liaison Office under Article 10 of Regulation 2019/1020](#); established a national Market Surveillance Forum (MSF) Government Departments responsible for Union harmonisation legislation, MSAs, Revenue's Customs Service, & Irish National Accreditation Board (INAB).



2.1 Construction Products Regulations(CPR) Overview

The primary purpose of the Construction Products Regulation is to break down technical barriers to trade to ensure the free movement of construction products across Member States within the European Union, ref, “[Frequently asked questions \(europa.eu\)](https://single-market-economy.ec.europa.eu/sectors/construction/construction-products-regulation-cpr/frequently-asked-questions_en#:~:text=Yes.%20Annex%20A,the%20CPR%20prevails.)”⁵

It does this by harmonising those elements which previously led to barriers to trade. In this regard, the Construction Products Regulation provides for:

- a system of harmonised technical specifications (over 450 harmonised European standards for construction products (hENs) are currently in force)
- an agreed system of attestation of conformity and verification of constancy for each product family (as set out in the harmonised technical specifications),
- a framework of notified bodies, and
- the mandatory CE marking of construction products as a passport to the internal market.

The Construction Products Regulation came into force across the entire European Union on the 1st of July 2013 with the result that each construction product for which a harmonised European Standard (known as a hEN) or a European Technical Assessment (known as an ETA) is in force required a Declaration of Performance (DOP) and CE mark affixed to the product before it can be placed on market in the European Union.

In essence all Construction Products the subject of a hEN or an ETA placed on the market, must be accompanied by affixing to the product the following:

1. A copy of the CE Marking.
2. A valid Declaration of Performance (DoP)
3. The instructions and safety information relating to the product.

A sample CE Marking and Declaration of Performance for blocks is given in “[A Guide to the marketing and use of Aggregate Concrete Blocks to EN 771-3 in Ireland](https://www.gov.ie/en/publication/45415-a-guide-to-the-marketing-and-use-of-aggregate-concrete-blocks-to-en-771-3-in-ireland/)”⁶

CPR applies to construction products the essential characteristics of which are laid down in harmonised technical specifications in relation to the basic requirements for construction works as set out in [Annex I to Construction Products Regulation](#)ⁱⁱ. Harmonised technical specifications include harmonised European product standards and European Assessment Documents (i.e., voluntary route to CE marking for innovative products). Construction products which are not covered by a harmonised technical specification are outside the scope of CPR.

The Construction Products Regulation place a requirement on Member States to have “*Competent Market Surveillance Authorities*”. This is a specialist technical area of competence covering product [Area Codes 1-35](#)⁷ [Appendix 2 Product Area Codes](#), which comprise of approximately 350 harmonised standards hENs.

⁵ https://single-market-economy.ec.europa.eu/sectors/construction/construction-products-regulation-cpr/frequently-asked-questions_en#:~:text=Yes.%20Annex%20A,the%20CPR%20prevails.

⁶ <https://www.gov.ie/en/publication/45415-a-guide-to-the-marketing-and-use-of-aggregate-concrete-blocks-to-en-771-3-in-ireland/>

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011R0305>



2.2 Market Surveillance Overview

In the context of construction products, market surveillance refers to the activities carried out and the measures taken by Market Surveillance Authorities to ensure that construction products comply with the requirements set out in the Construction Products Regulation and therefore do not endanger the health, safety, or any other aspect of public interest protection.

Building Control Authorities are designated as the principal Market Surveillance Authorities for construction products that fall within the scope of the Construction Products Regulation. Ref, [Appendix 3 for Building Control & Market Surveillance responsibilities](#).

All Building Control Authorities have appointed authorised officers under Regulation 11 of the European Union (Construction Products) Regulations 2013. These authorised officers have wide-ranging powers set out in Regulations 12 to 14 to enter onto premises, for the purpose of inspections, sampling, requesting compliance information etc.

Market surveillance activities may be carried out proactively, on the Market Surveillance Authority's initiative, or reactively, following accidents, complaints or other intelligence requiring investigation. Formal market surveillance measures can only be addressed once a product has been placed on the market. However, Market Surveillance Authorities may also encourage compliance by providing information on applicable legislation (e.g., via press releases, dedicated websites, or information campaigns) at any stage of the design and production process and carry out checks at trade shows fairs and exhibitions.

It is important to note that “given the commercial sensitivities that may be involved, it is incumbent on all Market Surveillance authorities to take reasonable measures to guarantee the confidentiality of the technical documentation and such other information as may be supplied by an economic operator under these regulations in support of a product's compliance”.

2.3 Construction Products Regulation-Compliance Assessment Overview

It is the responsibility of the Economic Operators, according to their respective role in the supply chain, to ensure compliance with all relevant legislation and to fulfil all appropriate conformity assessment obligations.

Market Surveillance Authorities are required to perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks and when doing so shall take account of established principles of risk assessment, complaints and other information including the national market surveillance strategy. Where economic operators present test reports or certificates attesting conformity issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates. However, the Market Surveillance Authority does not and should not issue a compliance statement which may be seen as endorsing a product.

When assessing the compliance of a construction product, the Market Surveillance Authority may choose to consider all relevant legislative requirements (a full compliance assessment) or parts of them (a partial compliance assessment). The compliance assessment may be divided between ['Formal' compliance](#) (administrative requirements e.g., documentation, markings, etc.) and ['Technical' compliance](#) (essential characteristics requirements).



2.3.1 Formal Compliance

During the inspection, the Market Surveillance Officer checks for compliance with the Regulation (EU) No. 305/2011 and the European Union (Construction Products) Regulations 2013, i.e., is the CE mark displayed on the construction product under inspection, is there a Declaration of Performance, are the instructions and safety information provided in the English language (or in a diagrammatic format that is readily understandable).

The following must be available and fixed to the construction product:

Formal Compliance Requirements (minimum)		
Regulation 305/2011 CHAPTER II DECLARATION OF PERFORMANCE AND CE MARKING		https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011R0305
Declaration of Performance (DoP)	CE Marking	Safety Information in Use
Unique identification code of the product-type	Is the CE marking followed by the two last digits of the year in which it was first affixed	When making a construction product available on the market, manufacturers/importers/distributors shall ensure that the product is accompanied by instructions and safety information in a language determined by the Member State concerned which can be easily understood by users.
Date of the declaration of performance	Name and address of the manufacturer details	
Name and address of the manufacturer details	Unique identification code of the product-type	
Is there a reference number of the declaration of performance (DoP)?	Is there a reference number of the declaration of performance (DoP)	
Is the declared performance in accordance with Annex ZA of the harmonised standard)	Is there a reference to the harmonised specification	
Is there a reference to the harmonised specification	Is there an identification number of the notified body	
Identification number of the notified body	Is the intended use available	
System of AVCP		
Which AVCP system is applied		
Is the intended use available		
'CE marking' shall mean a marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Community harmonisation legislation providing for its affixing; The CE marking should be affixed to all construction products for which the manufacturer has drawn up a declaration of performance in accordance with this Regulation. If a declaration of performance has not been drawn up, the CE marking should not be affixed.		
By drawing up the declaration of performance, the manufacturer shall assume responsibility for the conformity of the construction product with such declared performance. In the absence of objective indications to the contrary, Member States shall presume the declaration of performance drawn up by the manufacturer to be accurate and reliable.		

Figure 1 Formal CPR Compliance Minimum Checks

'DECLARATION OF PERFORMANCE' No 1. Unique identification code of the product-type: 2. Intended use/es: 3. Manufacturer: 4. Authorised representative: 5. System/s of AVCP: 6a. Harmonised standard: Notified body/ies: 6b. European Assessment Document: European Technical Assessment: Technical Assessment Body: Notified body/ies: 7. Declared performance/s: 8. Appropriate Technical Documentation and/or Specific Technical Documentation: The performance of the product identified above is in conformity with the set of declared performance/s. This declaration of performance is issued, in accordance with Regulation (EU) No 305/2011, under the sole responsibility of the manufacturer identified above. Signed for and on behalf of the manufacturer by:	<p>You cannot affix the CE marking until the declaration of performance has been drawn up, usually at the end of the production phase:</p> <table><tr><td></td><td>CE symbol</td></tr><tr><td>14</td><td>last two digits of the year in which CE was first affixed</td></tr><tr><td>AnyCo Ltd, PO Box 21, B-1050, City, Country</td><td>name and registered address of the manufacturer</td></tr><tr><td>12345 - ABCDE - #####</td><td>reference number of the DoP (also unique identification code)</td></tr><tr><td>EN #####</td><td>reference to the harmonised technical specification</td></tr><tr><td>Notified Body ###</td><td>identification number of the Notified Body</td></tr><tr><td>Internal and external use</td><td>intended use(s)</td></tr><tr><td>Characteristic: ## Characteristic: Class ## Characteristic: ### Characteristic: Class #</td><td>level or class of the performance declared</td></tr><tr><td>www.anyco-td.eu/outop</td><td>website hosting the DoP</td></tr></table>		CE symbol	14	last two digits of the year in which CE was first affixed	AnyCo Ltd, PO Box 21, B-1050, City, Country	name and registered address of the manufacturer	12345 - ABCDE - #####	reference number of the DoP (also unique identification code)	EN #####	reference to the harmonised technical specification	Notified Body ###	identification number of the Notified Body	Internal and external use	intended use(s)	Characteristic: ## Characteristic: Class ## Characteristic: ### Characteristic: Class #	level or class of the performance declared	www.anyco-td.eu/outop	website hosting the DoP
	CE symbol																		
14	last two digits of the year in which CE was first affixed																		
AnyCo Ltd, PO Box 21, B-1050, City, Country	name and registered address of the manufacturer																		
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Characteristic: ## Characteristic: Class ## Characteristic: ### Characteristic: Class #	level or class of the performance declared																		
www.anyco-td.eu/outop	website hosting the DoP																		

Article 59 of Regulation 305/2011 prescribes the requirements for “*formal non-compliance*” and requires that where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned, i.e., the CE marking has been affixed in breach of Article 8 or 9; or the CE marking has not been affixed, when required, in accordance with Article 8(2); and/or the declaration of performance has not been drawn up, when required, in accordance with Article 4; or the declaration of performance has not been drawn up in accordance with Articles 4, 6 and 7; and/or the technical documentation is either not available or not complete.

Information requests issued to the economic operators (ref [Appendix 4 Information Note to Economic Operators](#)), collating information.



2.3.2 Technical Compliance

It is noted that the CE marking enables construction products to move across all EU Member States, avoiding new assessments and certifications. Accompanying the product, the copy of the Declaration of Performance (DoP) provides information on the performance obtained using the assessment methods provided by the applicable harmonised technical specification (harmonised standards or European Assessment Documents).

Construction products may have a very different intended use in buildings or civil engineering works and may have to fulfil different performance requirements. *Therefore, a responsibility rests with project designer/end user to correctly prescribe the product to be used in the specific construction project and to the end user to purchase the product with the prescribed performance for the specific intended use*⁸.

In other words, the end user must check the CE marking, the DoP and the Safety information in use to ensure that the “construction product” is fit for the intended use in the conditions in which it has to be used; refer to the [A Guide to the marketing and use of Aggregate Concrete Blocks to EN 771-3 in Ireland](#), which clearly outlines the responsibilities for manufacturers, importers, distributors, specifiers, designers, builders, certifiers and end users. It is also important to understand that these construction products in use, must comply with the requirements of the building regulations. Responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders, and owners of buildings.

2.3.3 Essential characteristics

A manufacturer shall declare the performance of at least one essential characteristic (Article 6(3)(c) of the CPR).

When deciding upon this, the economic operator shall take into consideration the national provisions (i.e., the Irish Standard Recommendations (SR) and National Annexes) in place in relation to the intended uses of the product where they intend it to be made available on the market. The following National provisions i.e., Standard Recommendations relate to aggregates and aggregate concrete blocks are listed below:

- f. [S.R. 16](#) provides National guidance on the use of I.S. EN 12620:2002+A1:2008 which specifies the properties of aggregates and filler aggregates obtained by processing natural, manufactured, or recycled materials and mixtures of these aggregates for use in concrete (this includes concrete in conformity with [EN 206-1](#) (ready-mix), concrete used in roads and other pavements and for use in precast concrete products etc (includes aggregate concrete blocks).
- g. [S.R. 17](#), provides National guidance on the use of I.S. EN 13043:2002 in Ireland. It specifies the properties of aggregates and filler aggregates obtained by processing natural, manufactured, or recycled materials for use in bituminous mixtures and surface treatments for roads, airfields, and other trafficked areas, (this includes bituminous mixtures and surface treatments for roads, airfields, macadams, asphalts, surface dressing, and other trafficked areas etc).
- h. [S.R. 18](#), provides guidance on the use of I.S. EN 13139:2002 in Ireland (i.e., Natural aggregates used to make masonry mortar, plastering/rendering, and floor screeds in Ireland. It does not include guidance on the use of manufactured or recycled aggregates or for special bedding materials, repair mortar or grouts).

⁸ https://single-market-economy.ec.europa.eu/sectors/construction/construction-products-regulation-cpr/frequently-asked-questions_en#:~:text=the%20CE%20marking%20enables,the%20specific%20intended%20use.



- i. [S.R. 21](#), 2014+A1:2016, provides National guidance on the use of I.S. EN 13242:2002+A1:2007 in Ireland i.e., (this includes aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction, i.e., aggregates for use in pipe bedding, haunching, backfilling of filter drains, general fill material, unbound sub-bases for road pavements, unbound granular material (hardcore) for use under concrete roads and footpaths).
- j. [S.R. 325:2013+A2:2018/AC:2019](#) provides current recommendations for the design of masonry structures in Ireland to Eurocode 6 i.e., this Standard Recommendation contains non-contradictory complementary information as guidance material for the use in Ireland of the following EN Eurocode 6 series of standards I.S. EN 1996-1 1, I.S. EN 1996-1-2 and I.S. EN 1996-2 and masonry structures include the use of aggregate concrete blocks in construction (including the use of aggregate concrete blocks to “EN 771-3 Specification for masonry units - Part 3: Aggregate concrete masonry units (Dense and lightweight aggregates” used in construction).

Each individual construction product, manufactured to a Harmonised European Standard has a specified threshold level of performance for a given essential characteristic of the product. The manufacturer must ensure that the performance of their product meets the threshold levels listed in [Annex ZA of each harmonised standard](#).

Also, Member States are expected to align their provisions for building and civil engineering works abiding by the essential characteristics in Annex ZA relevant for their requirements.

A product is defined as a construction product in the meaning of the CPR if it is a product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works (buildings or any civil engineering works) or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works⁹.

3 Ireland's National Market Surveillance Strategy 2021/22

Ireland's National Market Surveillance Strategy 2021/22 is published:

- Pursuant to Article 18(5) of Regulation (EC) 765/2008, Ireland's [National market surveillance programme 2021](#) is published on the website of the European Commission.
- Pursuant to Article 13 of Regulation 2019/1020 (applies from the 16th July 2021) Ireland's [National Market Surveillance Strategy 2022 - July 2022](#) can be downloaded [here](#).

Activities carried out under market surveillance include:

- a. Proactive activities which include planned market surveillance activity including planned and routine inspections and surveys of products - such inspections may include announced and unannounced inspections.
- b. Reactive activities which include, typically, market surveillance activity triggered on foot of acting on information received from complaints (e.g., from the public, public bodies, contractors, designers, customs, police, or other market surveillance authorities etc.).

⁹ The 7 basic requirements for construction works are: 1. Mechanical resistance and stability; 2. Safety in case of fire 3. Hygiene, health, and the environment; 4. Safety and accessibility in use; 5. Protection against noise; 6. Energy economy and heat retention; 7. Sustainable use of natural resources.



The 2021/22 market surveillance activities carried out under this strategy are in, Table 1 Market Surveillance of Construction Products under S.I. 225 of 2013 Indicators below. The completed 2021 programme may be viewed [here¹⁰](#).

Table 1 Market Surveillance of Construction Products under S.I. 225 of 2013 Indicators to end September 2022		2021	2022
Market Surveillance of Construction Products carried out by MSO to Date			
1. Total No. of construction product related complaints		10	4
2. No. of formal complaints by industry concerning unfair competition		0	1
3. Total No. of inspections and broken down by:			
i. No. of reactive inspections undertaken on foot of complaint,		48	10
a. RAPEX		31	45
ii. No. of self-initiated inspections, and		109	56
iii. No. of inspections prompted by the Revenue Commissioners (i.e., Customs)		0	0
4. Assessment of product compliance based on:			
i. Tests performed in laboratories		148	2
ii. Checks of products and/or documentation e.g., CE Mark, DoP, Safety Information in Use		109	54
5. No. of inspections/ assessments resulting in:			
i. A finding of non-compliance		2	1
ii. Corrective actions being taken by relevant economic operator (i.e., voluntary measures)		2	0
iii. Restrictive measures being taken by the market surveillance authority		2	1
iv. No of ICSMS Inspections logged		45	26
v. No of Article 12(3) of the EU (CPR) 2013 Requests for Information		32	54
vi. No of Article 14(1) of the EU (CPR) 2013 Corrective actions, Issued/Served		6	3
6. No. of successful prosecutions i.e., where sanctions/penalties were applied		0	0
7. No. of inspections involving other Member State Market Surveillance Authorities		0	0
8. Additional Comments/Other		N/A	N/A

Table 1 Market Surveillance of Construction Products under S.I. 225 of 2013 Indicators

3.1 Market Surveillance Inspection Methodology

The approach to the carrying out market surveillance inspections follows the methodology as set out in European Commission guidance document [Good practice for Market Surveillance¹¹](#) i.e., a programme of targeting, inspections & sampling, compliance assessment and follow-up actions and measures with the following actions carried out:

- i. Identifying “economic operators (EO)” manufacturers, importers, and distributors.
- ii. Register information on the inspection activity in the [ICSMS¹²](#) (including each inspection separately).
- iii. Assessment of compliance with formal requirements of CPR (DoP, FPC, CE Marking, Safety Information in Use etc.)
 - a. Information Note circulated to each EO with a; Request for documents, i.e., information under regulation 12(3) of the European Union (Construction Products) Regulations 2013.
- iv. Assessment of compliance with technical requirements of CPR.

¹⁰ CPD Day, "Market Surveillance of Construction Products" on NBCO YouTube Channel CPD Day, <https://www.youtube.com/watch?v=RIRy-F5fZcc&t=31s>

¹¹ <https://ec.europa.eu/docsroom/documents/23041>

¹² <https://webgate.ec.europa.eu/icsms/> ICSMS (Information and Communication System for Market Surveillance) is the comprehensive communication platform for market surveillance on non-food products and for mutual recognition for goods. ICSMS is also an intelligence mechanism for the reliable exchange of information among authorities.



- a. Inspection and Sampling of the quarried deposits/aggregates used as constituent ingredients in the manufacture of the concrete products undertaken by Geological Survey Ireland.
- b. Inspection and Sampling of aggregates and aggregate constituent products by the National Building Control & Market Surveillance Office.
- c. Laboratory testing arranged by the National Building Control & Market Surveillance Office/GSI on the aggregate samples, where identified as being necessary by risk assessment, a visual assessment of the constituent aggregate.
- v. Corrective action where required including follow-up inspections and sampling.
- vi. Complete information in ICSMS
- vii. Close out or Follow-up measures.

3.2 Market Surveillance Inspection Recording ICSMS,

ICSMS (Information and Communication System for Market Surveillance) is the European Commission's comprehensive communication platform for market surveillance on non-food products and for mutual recognition for goods. It is also an intelligence mechanism for the reliable exchange of information among authorities. Ireland's National Market Surveillance Office Uploads all its Market Surveillance of Construction Products Inspections to this site and this information can be viewed by Market Surveillance Authorities in the other EU countries.

4 Quarries "Construction Products" -of which Aggregates main Constituent

Quarries place on the market many products but not all these products are "construction product" as prescribed in the CPR, (e.g. garden paving etc); listed below are the main "construction products" the manufactured in quarries.

4.1 Product Area Code 24 CPR

- EN 12620 Aggregates for concrete
- EN 13043 Aggregates for bituminous mixtures
- EN 13139 Aggregates for mortar
- EN 13242 Aggregates for unbound and hydraulically bound materials
- EN 13383 Armourstone
- EN 13450 Aggregates for railway ballast

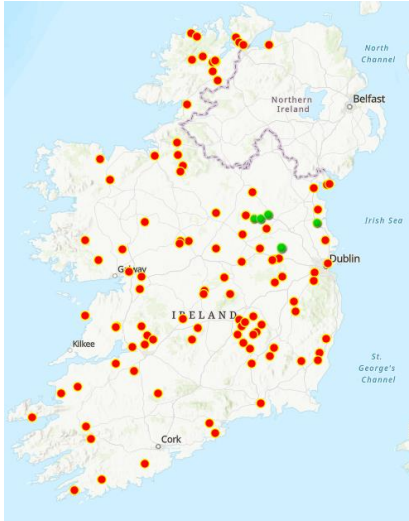
4.2 Product Area Code 17 CPR

- EN 771-1, Specification for masonry units: Clay masonry units
- EN 771-2, Specification for masonry units: Calcium silicate masonry units
- EN 771-3, Specification for masonry units: Aggregate concrete masonry units (dense & light-weight aggregates)
- EN 771-4, Specification for masonry units: Autoclaved aerated concrete masonry units
- EN 771-5, Specification for masonry units: Manufactured stone masonry units
- EN 771-6, Specification for masonry units: Natural stone masonry units
- EN 998-1, Specification for mortar for masonry: Rendering and plastering mortar
- EN 998-2, Specification for mortar for masonry: Masonry mortar
- EN 15824, Specifications for external renders and internal plasters based on organic binders
- EN 845-1, Specification for ancillary components for masonry: Ties, tension straps, hangers, and brackets
- EN 845-2, Specification for ancillary components for masonry: Lintels
- EN 845-3, Specification for ancillary components for masonry: Bed joint reinforcement of steel meshwork
- EN 934-3, Admixtures for concrete mortar and grout – Part 3: Admixtures for masonry mortar – Definitions, requirements, conformity and marking and labelling



5 Market Surveillance Campaigns (Aggregates) 2021/22

The 2021 and 2022 National Market Surveillance Campaign concentrated on “construction products” generated from quarries and pits, specifically products from Area Code 24 (Aggregates) of the CPR with a particular focus on:



- S.R. 16-Aggregates for concrete (EN 12620);
- S..R. 17-Bituminous Mixtures (EN13043);
- S.R. 28-Aggregates for mortar (EN13139)
- S.R. 21-Unbound, hydraulically bound materials (EN 13242).

Market Surveillance Campaign 109 and 54 quarries visited across 30 Local Authorities in 2021 and 2022 respectively.

The 2022 Aggregates campaign concentrated on the Economic Operators (*quarries & pits*) generating:

- Aggregates for concrete (EN 12620);
- Unbound and hydraulically bound materials (EN 13242); and
- Blocks to EN 771-3 Specification for masonry units - Part 3: Aggregate concrete masonry units (Dense and lightweight aggregates) (Product Area code 17)

- The 2021/22 Market Surveillance¹³ Campaign identified

Economic Operators where a follow-up inspection is warranted.

- Each Market Surveillance Inspection was carried out by the National Market Surveillance Office in conjunction with the respective Local Authority.
- Some local authorities are resourced better than others, but the plan is to build capacity and competency in the 31 Local Authorities.
- The 2022 Market Surveillance followed on from the 2021 Campaign and the strategy is to work with economic operators to bring into compliance any issues identified during inspections.
- Geological Survey Ireland (GSI) as a Competent National Authority for Product Area Code 24 provided technical assistance and expertise to this campaign in relation to S.R. 16 and S.R. 21
- Transport Infrastructure Ireland (TII) as a Competent National Authority for Product Area Code 12, 23 and 24 provided technical expertise in relation to the S.R. 18.
- This campaign is planned to continue into 2023.

6 Learnings from two National Market Surveillance Campaigns

The key learning from the 2021 and 2022 market surveillance campaigns is that this office needs to drive the “Promotion of Compliance” with the Construction Products Regulations through:

- Industry Engagement
 - Notified Bodies
 - Industry Representative Bodies
- Education
- Enforcement
- Resourcing
 - Building Capacity
 - Building Competency

¹³ [Building Control Authorities are the designated principal market surveillance authorities](#) for construction products that fall within the scope of the Construction Products [Regulation \(European Union \(Construction Products\) Regulations 2013 \(S.I. No. 225 of 2013\)\)](#). NBCO is the National Market Surveillance Authority (S.I. 682 of 2020)



Signed: *Mairéad Phelan*

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Head of National Building Control & Market Surveillance Office

Richard Butler, rbutler@nbco.gov.ie

Select any or all the 17 UN sustainable development goals (SDGs) that this document will support to transform our world:

- ☐ [GOAL 1: No Poverty](#)
- ☐ [GOAL 2: Zero Hunger](#)
- ☐ [GOAL 3: Good Health and Well-being](#)
- ☐ [GOAL 4: Quality Education](#)
- ☐ [GOAL 5: Gender Equality](#)
- ☐ [GOAL 6: Clean Water and Sanitation](#)
- ☐ [GOAL 7: Affordable and Clean Energy](#)
- ☐ [GOAL 8: Decent Work and Economic Growth](#)
- ☒ [GOAL 9: Industry, Innovation and Infrastructure](#)
- ☐ [GOAL 10: Reduced Inequality](#)
- ☐ [GOAL 11: Sustainable Cities and Communities](#)
- ☒ [GOAL 12: Responsible Consumption and Production](#)
- ☐ [GOAL 13: Climate Action](#)
- ☐ [GOAL 14: Life Below Water](#)
- ☐ [GOAL 15: Life on Land](#)
- ☐ [GOAL 16: Peace and Justice Strong Institutions](#)
- ☐ [GOAL 17: Partnerships to achieve the Goal](#)





Appendix 1-Legislative Overview

The 31 Building Control /Market Surveillance Authorities' (known as Building Control Authorities) purpose is to deliver and promote compliance Nationally with the Building Control, EU Construction Products and EU Energy Performance of Regulations. They work within the following legislative frameworks:

- “The [Building Control Acts 1990-2014](#) regulate design & construction of buildings & works in Ireland, providing for the health, safety and welfare of people in or about buildings, access for all, the conservation of fuel and energy and promotion of good building practice”
- The “[Construction Products Regulation](#)” EU 305 of 2011, prescribes BASIC REQUIREMENTS FOR CONSTRUCTION WORKS i.e., Construction works as a whole and in their separate parts must be fit for their intended use, considering in particular the health and safety of persons involved throughout the life cycle of the works. Subject to normal maintenance, construction works must satisfy these basic requirements for an economically reasonable working life.”
- “[The EU \(Energy Performance of Buildings\) Regulations S.I. 243 of 2012](#)¹⁴ promotes improvement of energy performance of buildings with the adoption of a methodology for calculating this. Provision of building energy certification for all new buildings and existing buildings undergoing major renovation and building offered for sale or rent.
Public Buildings “Display of energy performance certificates” for buildings 250 m². Independent lists of accredited experts for [energy performance certification](#) of buildings and [the inspection of heating systems and air-conditioning systems](#).
Enforcement through penalties by Building Control Authorities, SEAI, NSAI”

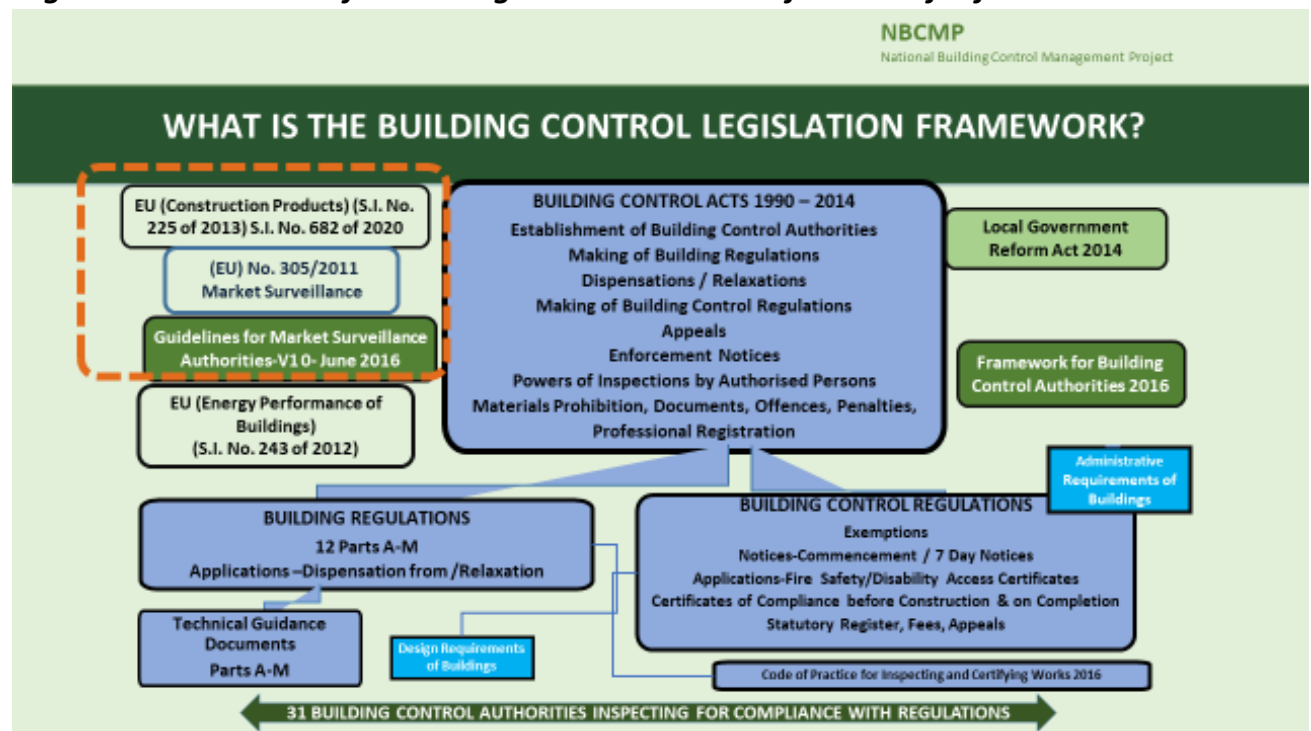
In summary, the 31 designated “Building Control Authorities” monitor compliance with Building Control and the EU Energy Performance of Building Regulations; and carry out Market Surveillance for compliance with EU Construction Product Regulations. They have powers of inspectionⁱⁱⁱ and enforcement under the individual legislative frameworks. Responsibility for compliance rests always with the owner of the proposed building or works, and with any builder or designer engaged by the owner. BCAs are the designated authorities to carry out inspections for compliance and enforcement under:

- Building Control Building Acts 1990-2014
- Market Surveillance S.I. No 225 of 2013 EU Construction Products Regulations,
- Building Energy Rating S.I. No 243 of 2012 the EU (Energy Performance of Buildings)

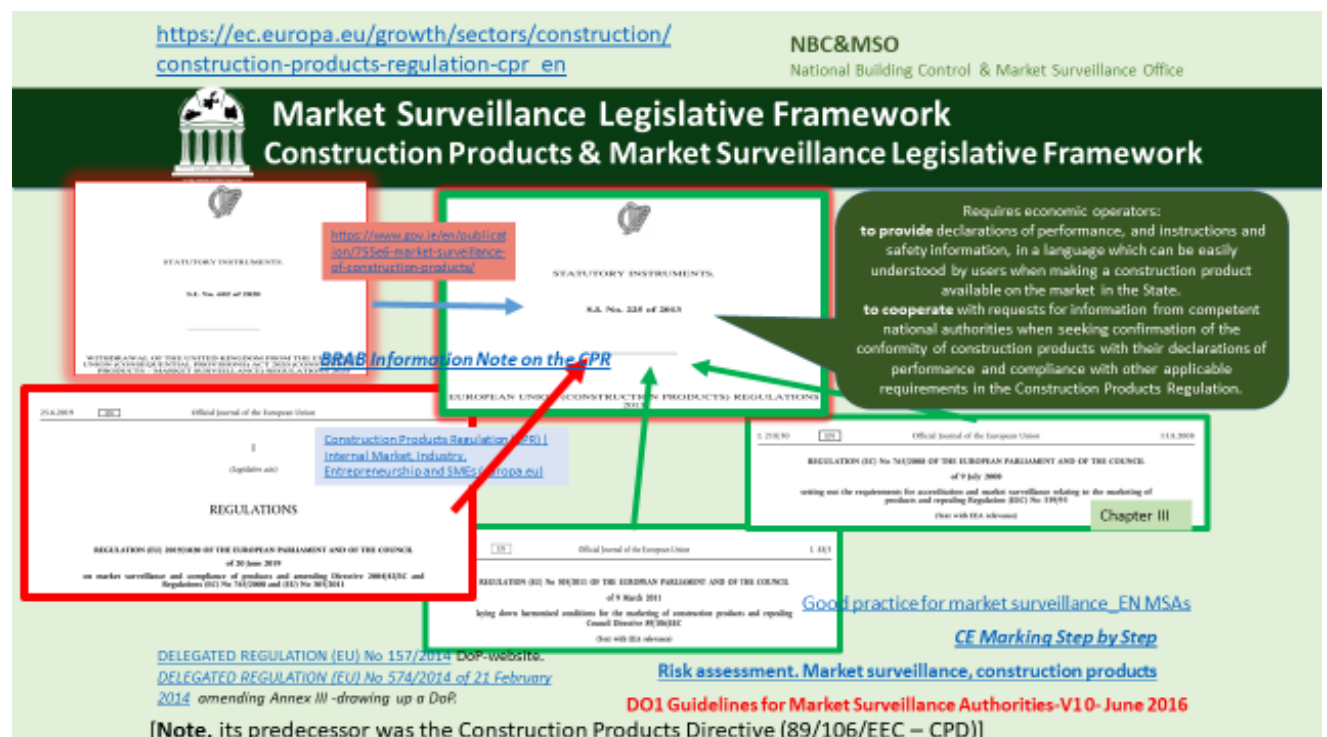
¹⁴ The purpose for which these Regulations are made include the giving effect to the relevant provisions of Articles 1, 2, 3, 4(2), 6, 7, 11, 12, 13, 14(4), 15(4), 17, 18, 27, 28 and 29 of [Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings \(recast\)](#).



Legislative Framework for Building Control in Ireland—for ease of reference



Legislative Framework for Market Surveillance of Construction Products in Ireland—for ease of reference





Appendix 2 Regulation 305/2011 Product Area Codes

CODE	PRODUCT AREA
1	PRECAST NORMAL/LIGHTWEIGHT/AUTOCLAVED AERATED CONCRETE PRODUCTS.
2	DOORS, WINDOWS, SHUTTERS, GATES AND RELATED BUILDING HARDWARE.
3	MEMBRANES, INCLUDING LIQUID APPLIED AND KITS (FOR WATER AND/OR WATER VAPOUR CONTROL).
4	THERMAL INSULATION PRODUCTS. COMPOSITE INSULATING KITS/SYSTEMS.
5	STRUCTURAL BEARINGS. PINS FOR STRUCTURAL JOINTS.
6	CHIMNEYS, FLUES AND SPECIFIC PRODUCTS.
7	GYPSON PRODUCTS.
8	GEOTEXTILES, GEOMEMBRANES, AND RELATED PRODUCTS.
9	CURTAIN WALLING/CLADDING/STRUCTURAL SEALANT GLAZING.
10	FIXED FIRE FIGHTING EQUIPMENT (FIRE ALARM/DETECTION, FIXED FIREFIGHTING, FIRE AND SMOKE CONTROL AND EXPLOSION SUPPRESSION PRODUCT).
11	SANITARY APPLIANCES.
12	CIRCULATION FIXTURES: ROAD EQUIPMENT.
13	STRUCTURAL TIMBER PRODUCTS/ELEMENTS AND ANCILLARIES.
14	WOOD BASED PANELS AND ELEMENTS.
15	CEMENT, BUILDING LIMES AND OTHER HYDRAULIC BINDERS.
16	REINFORCING AND PRESTRESSING STEEL FOR CONCRETE (AND ANCILLARIES). POST TENSIONING KITS.
17	MASONRY AND RELATED PRODUCTS. MASONRY UNITS, MORTARS, AND ANCILLARIES.
18	WASTE WATER ENGINEERING PRODUCTS.
19	FLOORINGS.
20	STRUCTURAL METALLIC PRODUCTS AND ANCILLARIES.
21	INTERNAL & EXTERNAL WALL AND CEILING FINISHES. INTERNAL PARTITION KITS.
22	ROOF COVERINGS, ROOF LIGHTS, ROOF WINDOWS, AND ANCILLARY PRODUCTS. ROOF KITS.
23	ROAD CONSTRUCTION PRODUCTS.
24	AGGREGATES.
25	CONSTRUCTION ADHESIVES.
26	PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT.
27	SPACE HEATING APPLIANCES.
28	PIPES-TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
29	CONSTRUCTION PRODUCTS IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION.
30	FLAT GLASS, PROFILED GLASS AND GLASS BLOCK PRODUCTS.
31	POWER, CONTROL AND COMMUNICATION CABLES.
32	SEALANTS FOR JOINTS.
33	FIXINGS.
34	BUILDING KITS, UNITS, AND PREFABRICATED ELEMENTS.
35	FIRE STOPPING, FIRE SEALING AND FIRE PROTECTIVE PRODUCTS. FIRE RETARDANT PRODUCTS.

Economic Operator means the manufacturer, importer, distributor, or authorised representative.

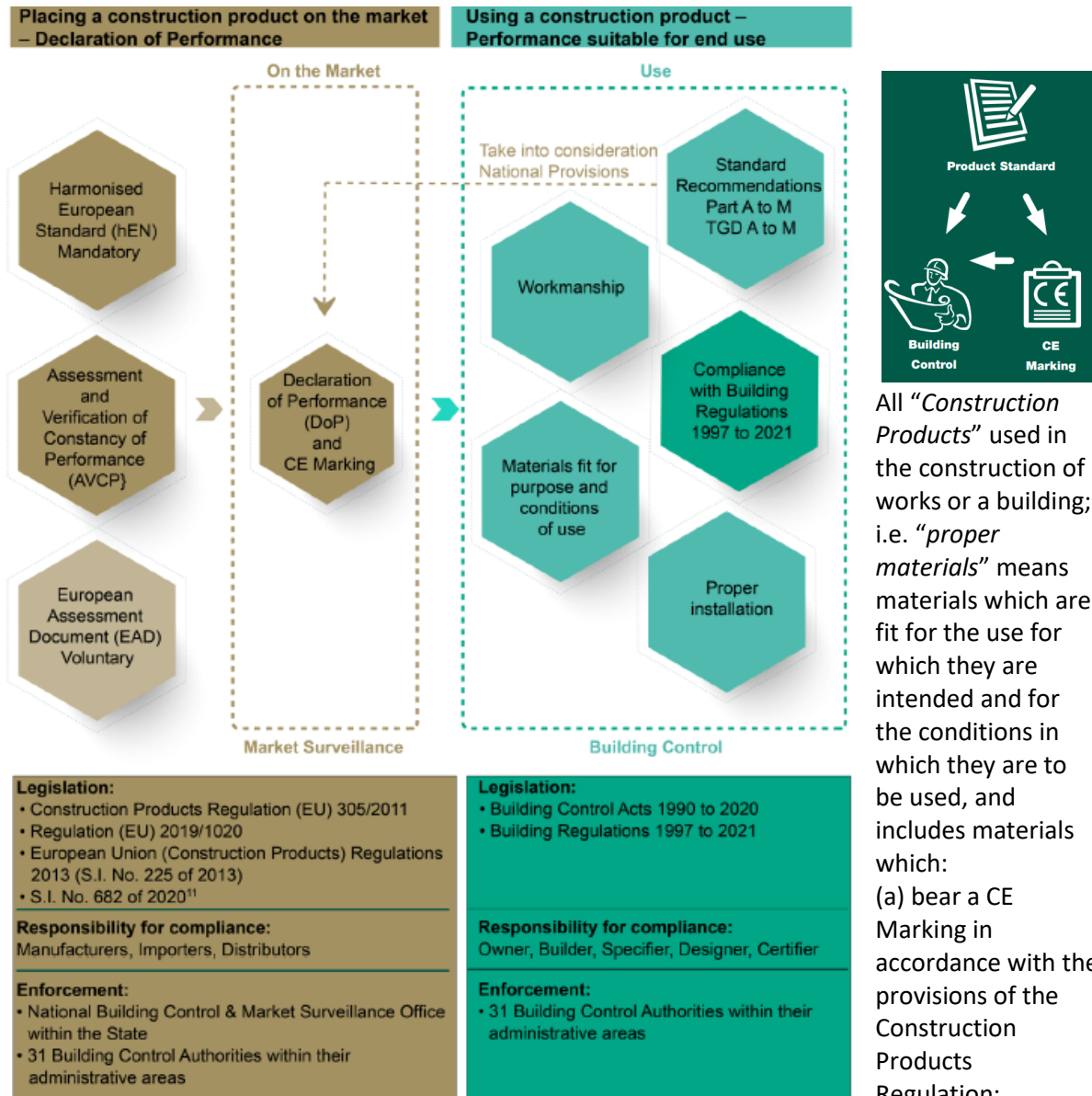
Construction Product means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works.

The CE marking should be affixed to all construction products for which the manufacturer has drawn up a declaration of performance in accordance with this Regulation.

If a **declaration of performance** has not been drawn up, the CE



Appendix 3 Building Control & Market Surveillance responsibilities



- (b) comply with an appropriate harmonised standard or European Technical Assessment in accordance with the provisions of the Construction Products Regulation; or
- (c) comply with an appropriate Irish Standard or Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability.



Appendix 4 Information Note to Economic Operators

Market Surveillance Campaign 2021

Aggregate Products within the scope of EN 12620, EN 13043, EN13139 and EN 13242 series must be CE Marked,



**If you are an Economic Operator:
E.g.**

- Manufacturer;
- Importer; or
- Retailer / Distributor

of aggregates products you should be aware of your obligations under the rules for CE Marking.



The National Building Control and Market Surveillance Office (NBCMSO) is the approved office for market surveillance in relation to construction products. Over the coming weeks, the NBCMSO will be carrying out unannounced inspections of quarries to check the CE Marking of aggregate products including those within the scope of EN 12620, EN 13043, EN13193 and EN 13242.

The objective of the Market Surveillance Office is to ensure that only products compliant with the Construction Products Regulation (EU) No 305/2011, are placed on the market.

If you receive a visit, the Market Surveillance Office may check that you have applied the CE Marking correctly, that you have all the required documentation in place (see overleaf) and may take a sample away for testing. Anybody obstructing, impeding or providing false information to the Authorised Officer may be committing an offense under the EU CPR.

The Market Surveillance Campaign 2021 is co-ordinated by Dublin City Council - National Building Control Office (DCC-





What happens if I receive a visit from the Market Surveillance Authority?

1. GENERAL

If you receive a visit, from an Authorised Officer, in exercise of the powers conferred on the Authorised Officer by Regulation 12(3) of the European Union (Construction Products) Regulations 2013, the information outlined in Table 1 below can be requested for inspection, having regard to the responsibility you have under the Construction Products Regulation No. (EU) 305/2011.

Table 1: Information sought (but not limited to) relevant to the responsibility of each Economic Operator

No.	Description	Manufacturer	Importer	Distributor/ Retailer
1.	A copy / photograph of the CE mark	Y	Y	Y
2.	A Valid Declaration of Performance (DoP)	Y	Y	Y
3.	The technical documentation to support that the product complies with the requirements of EN 12620, EN 13043, EN 13242 and EN 13139.	Y	Y	Y
4.	The test reports and details in respect of type testing of the product.	Y	-	-
5.	Details of the notified factory production control certification body (AVCP System 2+).	Y	-	-
6.	The instructions and safety information	Y	Y	Y
7.	The means by which products within the scope of EN 12620, EN 13043, EN13139 and EN 13242 are placed, or made available, on the market can be identified and traced throughout the supply chain.	Y	Y	Y

2. TIME FOR COMPLIANCE

The information sought should be readily available onsite. CE Marking of construction products is mandatory across the EU since 1 July 2013.

3. TAKE NOTICE

In the event that the required documentation is not available at time of inspection or on request for information, you may make representations in writing to the Market Surveillance Authority within 14 days. The Market Surveillance Authority may, having considered any such representations, amend the terms of this request for information or confirm or revoke the request for information.

4. TAKE FURTHER NOTICE

If you, the Economic Operator: -

- do not comply with the terms of a request for information within the aforementioned period or
- the documentation submitted/ made available on the date of visit, is not in compliance with the Construction Products Regulation,

the Market Surveillance Authority may take such steps as it considers reasonable and necessary to secure compliance with the request for information under the Construction Products Regulation, up to and including prosecution through the Courts.

5. WARNING

A person guilty of an offence under the European Union (Construction Products) Regulations 2013 is liable:-

- on summary conviction to a fine up to €5,000 or to a term of imprisonment up to 3 months or to both; or
- on conviction on indictment to a fine up to €500,000 or to a term of imprisonment up to 12 months or both.

6. ADDITIONAL INFORMATION

- Regulation No (EU) 305/2011 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:088:0005:0043:EN:PDF>
- European Union (Construction Products) Regulations 2013 <http://www.irishstatutebook.ie/2013/en/si/0225.html>
- [CE Marking of Construction Products—Step by Step](#)
- EN 12620:2002+A1:2008 Aggregates for concrete, EN 13043:2002/AC:2004 Aggregates for bituminous mixtures and surface treatments for roads, airfields and other trafficked areas or EN 13242:2002+A1:2007 Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction



ⁱ Three Regional Building Control Authorities mirror the Regional Assemblies and meet 4 times per year to exchange views and promote a standardised system of implementation of Building Control, Market Surveillance of Construction Products and monitor compliance with the EU Energy Performance of Buildings Regulations.

Configuration of the Regional Assemblies in Ireland



ii ANNEX I Regulation 305 of 2011

BASIC REQUIREMENTS FOR CONSTRUCTION WORKS

Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved throughout the life cycle of the works. Subject to normal maintenance, construction works must satisfy these basic requirements for construction works for an economically reasonable working life.

1. Mechanical resistance and stability

The construction works must be designed and built in such a way that the loadings that are liable to act on them during their constructions and use will not lead to any of the following:

- (a) collapse of the whole or part of the work;*
- (b) major deformations to an inadmissible degree;*
- (c) damage to other parts of the construction works or to fittings or installed equipment as a result of major deformation of the load-bearing construction;*
- (d) damage by an event to an extent disproportionate to the original cause.*

2. Safety in case of fire

The construction works must be designed and built in such a way that in the event of an outbreak of fire:

- (a) the load-bearing capacity of the construction can be assumed for a specific period of time;*
- (b) the generation and spread of fire and smoke within the construction works are limited;*
- (c) the spread of fire to neighbouring construction works is limited;*
- (d) occupants can leave the construction works or be rescued by other means;*
- (e) the safety of rescue teams is taken into consideration.*

3. Hygiene, health and the environment

The construction works must be designed and built in such a way that they will, throughout their life cycle, not be a threat to the hygiene or health and safety of workers, occupants or neighbours, nor have an exceedingly high impact, over their entire life cycle, on the environmental quality or on the climate during their construction, use and demolition, in particular as a result of any of the following:

- (a) the giving-off of toxic gas;*



(b) the emissions of dangerous substances, volatile organic compounds (VOC), greenhouse gases or dangerous particles into indoor or outdoor air;

(c) the emission of dangerous radiation;

(d) the release of dangerous substances into ground water, marine waters, surface waters or soil;

(e) the release of dangerous substances into drinking water or substances which have an otherwise negative impact on drinking water

(f) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste;

(g) dampness in parts of the construction works or on surfaces within the construction works.

4. Safety and accessibility in use

The construction works must be designed and built in such a way that they do not present unacceptable risks of accidents or damage in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion and burglaries. In particular, construction works must be designed and built taking into consideration accessibility and use for disabled persons.

5. Protection against noise

The construction works must be designed and built in such a way that noise perceived by the occupants or people nearby is kept to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.

6. Energy economy and heat retention

The construction works and their heating, cooling, lighting and ventilation installations must be designed and built in such a way that the amount of energy they require in use shall be low, when account is taken of the occupants and of the climatic conditions of the location. Construction works must also be energy-efficient, using as little energy as possible during their construction and dismantling.

7. Sustainable use of natural resources

The construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following:

(a) reuse or recyclability of the construction works, their materials and parts after demolition;

(b) durability of the construction works;

(c) use of environmentally compatible raw and secondary materials in the construction works.