

OVERVIEW OF THE ROLE OF THE NATIONAL BUILDING CONTROL & MARKET SURVEILLANCE OFFICE



An Oifig Náisiúnta um Rialú Foirgníochta NATIONAL BUILDING CONTROL OFFICE

Working with Economic Operators

(Manufacturers, Importers, Distributers & Authorised Representatives)

to Promote a Culture of Compliance with the Construction Products Regulation (EU) No. 305/2011

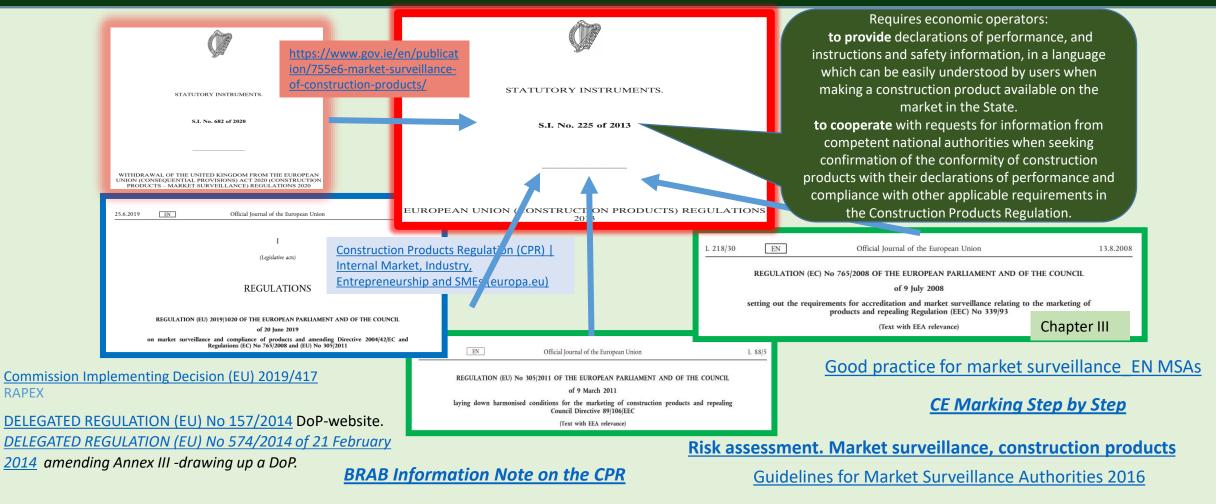
> Date: 23rd February 2023 Title: CPD Away Day



RAPFX

National Market Surveillance Office

Market Surveillance of Construction Products Legislative Framework



https://ec.europa.eu/growth/sectors/construction/construction-products-regulation-cpr en



Construction Products Regulation & Market Surveillance and Compliance of Products

[The "Construction Products Regulation"

<u>EU 305 of 2011</u>, 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 construction works for an economically reasonable working life."**]

'essential characteristics' means those characteristics of the construction product which relate to the basic requirements for construction works;



Article 18(5) Regulation (EC) 765/2008, Ireland's <u>National market surveillance programme 2021</u> Article 13 Regulation 2019/1020 Ireland's <u>National Market Surveillance Strategy 2022 - July 2022</u> & <u>Market Surveillance of Construction Products Strategy 2023 - Ireland</u>

[The "Market Surveillance & Compliance of Products Regulations"

<u>EU 2019 of 1020</u> "market surveillance" means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in the applicable Union harmonisation legislation and to ensure protection of the public interest covered by that legislation"]





REGULATION (EU) No 305/2011





• 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



Regulation EU 2019/1020 on Market Surveillance & Compliance of Products Article 1 (Annex 1 List of 70 Union harmonisation legislation CPR -No 38 on list)

GENERAL PROVISIONS

Article 1

Subject matter

1. The objective of this Regulation is to improve the functioning of the internal market by strengthening the market surveillance of products covered by the Union harmonisation legislation referred to in Article 2, with a view to ensuring that only compliant products that fulfil requirements providing a high level of protection of public interests, such as health and safety in general, health and safety in the workplace, the protection of consumers, the protection of the environment and public security and any other public interests protected by that legislation, are made available on the Union market.

2. This Regulation lays down **rules and procedures for economic operators regarding products** subject to certain Union harmonisation legislation and establishes a framework for cooperation with economic operators.

3. This Regulation also provides a framework for controls on products entering the Union market.





REGULATION (EU) No 305/2011 – Article 2 & ANNEX IV – Table 1 PRODUCT AREAS

'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 marking should not be affixed.

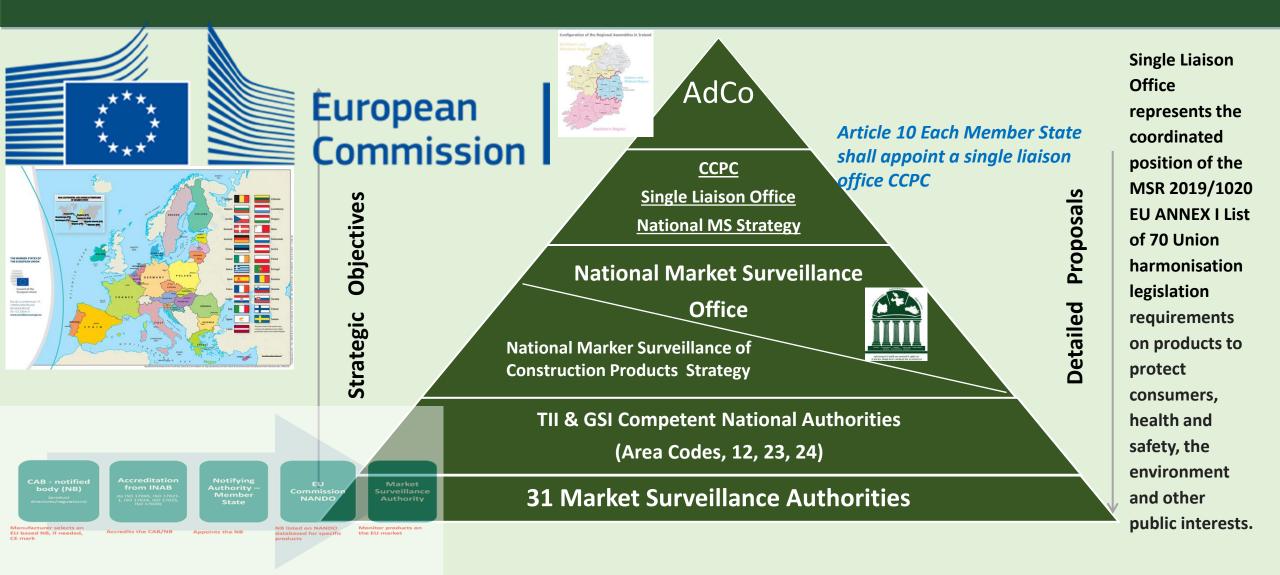
PRODUCT AREAS -ANNEX IV –Regulation 305 of 2011

| | 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 | GYPSUM 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. | | |
| 3 | 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. | | |



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Market Surveillance Hierarchy, MSAs Ireland EU 2016





CHAPTER III OBLIGATIONS OF ECONOMIC OPERATORS

Obligations of Manufacturers – Distributers – Retailers – Authorised Representatives

Place on the Union market only construction products which are compliant with the applicable requirements of CPR.

- Article 11 Obligations of manufacturers
- Article 12 Authorised representatives
- Article 13 Obligations of importers
- Article 14 Obligations of distributors

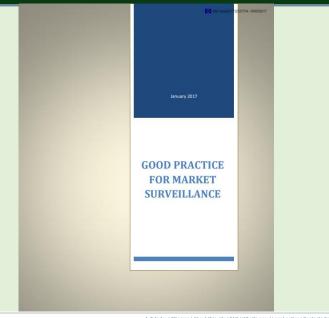
Ensure the assessment and the verification of constancy of performance AVCP.

- Declaration of performance in
- CE marking,
- Safety Information in Use-language which can be easily understood by users.

- **<u>shall</u> keep** the technical documentation and the declaration of performance for a period of 10 years after the construction product has been placed on the market.
- <u>shall ensure</u> that procedures are in place to ensure that series production maintains the declared performance (Factory Production Control (FPC))
 - carry out sample testing
 - Investigate
 - keep a register; complaints, non-conforming products; recalls, keep distributors informed of monitoring.
- <u>shall ensure</u> construction products bear a type, batch or serial number or other identifying, .name, registered trade name & mark, contact address, contact point.
- Reason to believe not in conformity-recall, corrective action & inform MSA.
- Comply with reasoned requests from MSA



Compliance Assessment – Responsibility





Good Practice for Market Surveillance

ECONOMIC OPERATOR -It is the Economic Operators responsibility, 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 AUTHORITY -The task of the Market Surveillance Authority is to <u>verify</u> whether a product complies with the requirements of the applicable legislation.

Market Surveillance Authority should not issue a

<u>compliance statement</u> which could be seen as endorsing a product. https://ec.europa.eu/docsroom/documents/23041



NBC&MSO

National Building Control & Market Surveillance Office ce Office

Declaration of Performance Articles 4, 5, 6,7 ANNEX III 305/2011-amended by

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NBC&MSO National Building Control & Market Surveillance Office ce Office

Articles 8 & 9 Regulation 305/2011- CE Marking-& Extract from:

https://ec.europa.eu/docsroom/documents/12308/attachments/1/translations/en/renditions/native

You cannot affix the CE marking until the declaration of performance has been drawn up, usually at the end of the production phase.

| | CE symbol |
|-------------------------------|--|
| | last two digits of the year in which CE was first affixed |
| AnyCo Ltd, PO Box 21, | name and registered address of the manufacturer |
| B-1050, City, Country | reference number of the DoP |
| 12345 - ABCDE - # # #.# #.# # | (also unique identification code) |
| | name and registered address of the manufacturer reference number of the DoP (also unique identification code) reference to the harmonised technical specifics of notified identification number of the Notified (Day 1000) intended use(s) (CP (1000)) Notified (Day 1000) Intended use(s) (CP (1000)) Intended use(s) |
| EN # # # # # | identification number of the Notified why a start |
| Notified Body # # # | States 1 |
| Internal and external use | intended use(s) |
| | Break and Cr |
| Characteristic: # # | ans up the |
| Characteristic: Class # # | level or class of the perfor Cance Clared |
| Characteristic: # # # # | |
| Characteristic: Class # | du star wich ed |
| www.anyco-ltd.eu/dop | level or class of the perfor. Gance inclared of the perfor. Gance inclared of the performance inclared of the performance inclared of the performance inclared of the performance included by the peri |

holl be offixed to those the monufocturer hos sin accordance with

Extract from:



Articles 11, 13, 14 Regulation 305/2011 Instructions and Safety Information

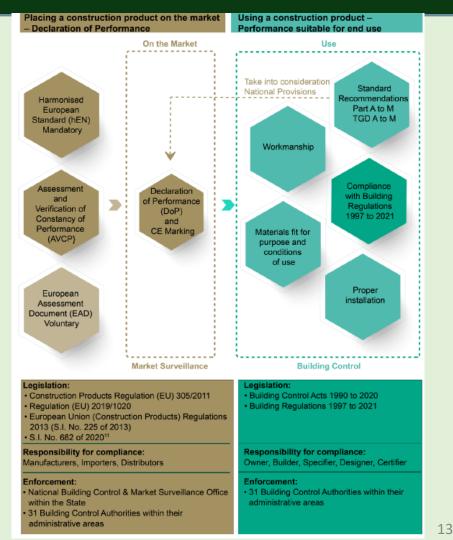
Without prejudice to the requirements of Articles 11 and 12 of the Construction Products Regulation, when making a construction product available on the market, manufacturers/importers/distributers <u>shall</u> ensure that the product is accompanied by **instructions and safety information in a language which can be easily understood by users where the product is made available on the market in the State**.

Part 2 of these Regulations requires economic operators to provide declarations of performance, and instructions and safety information, in a language which can be easily understood by users when making a construction product available on the market in the State. Regulation 9 requires economic operators to cooperate with requests for information from competent national authorities when seeking confirmation of the conformity of construction products with their declarations of performance and compliance with other applicable requirements in the Construction Products Regulation.



REGULATION (EU) No 305/2011 & Regulation 2019/1020 Construction Products, Market Surveillance & Building Control

- Reg. (EU) No. 305/2011
 - Remove barriers to trade
 - Conditions which apply when placing a construction product on the market
 - Creates obligations on Economic Operators (EOs)
 - <u>Does NOT</u> regulate the use of construction products when incorporated into construction works – covered by Building Regs.





REGULATION (EU) 2019/1020-Article 11-Activities of Market Surveillance Authorities

Market surveillance authorities, <u>shall perform</u> appropriate checks on the characteristics of products on an adequate scale, by <u>means of documentary</u> checks and, where appropriate, <u>physical and laboratory</u> <u>checks</u> based on adequate samples, <u>prioritising their resources and actions to ensure effective</u> <u>market surveillance</u> and taking into account the <u>national market surveillance strategy</u> referred to in Article 13.

<u>In deciding on which checks to perform</u>, on which types of products and on what **scale**, market surveillance authorities shall follow a **risk-based approach** taking into account the following factors:

(a) possible **hazards and non-compliance** associated with the products and, where available, their occurrence on the market;

- (b) activities and operations under the control of the economic operator;
- (c) the *economic operator's past record* of non-compliance;
- (d) if relevant, the **risk profiling** performed by the authorities designated under Article 25(1);

(e) **consumer complaints** and other information received from other authorities, economic operators, media and other sources that might indicate non-compliance.



Market Surveillance Appointment of Authorised Officers S.I. No. 225 of 2013



- 11 (a) a **Building Control Authority** shall appoint officers to be authorised officers for the purpose of these Regulations,
- (b) a **Competent Authority** appointed by the Minister pursuant to Regulation 10(1)(b) shall appoint officers to be authorised officers for the purpose of these Regulations, or
- (c) a competent person appointed by the Minister pursuant to Regulation 10(1)(c) shall be an authorised officer for the purpose of these Regulations.
- (2) An authorised officer shall be furnished with a warrant of his appointment as an authorised officer and, when exercising any power conferred on him by these Regulations, shall, if requested by any person affected, produce the warrant to that person."

A Market Surveillance Authority 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 15



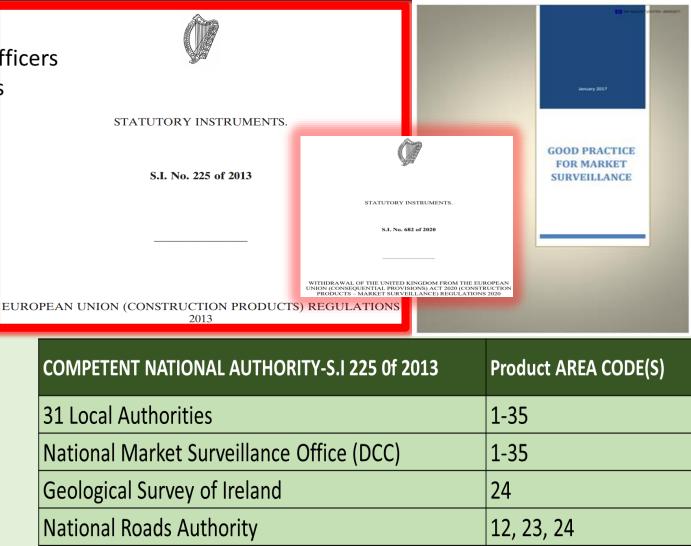
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Market Surveillance Authorities & Authorised Officers

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Inspections Planned Reactive Random

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National Market Surveillance Office

Market Surveillance Authorities & Authorised Officers





REGULATION (EU) 2019/1020-Article 11-Activities of Market Surveillance Authorities



- **Formal**' compliance (administrative requirements e.g., documentation, markings, etc.) and '
- **Technical'** compliance (essential characteristics requirements). Checks for Formal

Compliance Checks & Inspections

- Active: Planned routine activities in a defined period targeting a number of specified products concentrated where:
 - risks are higher
 - non-compliance is more frequent
- Reactive: Responding to allegations of noncompliance and involves various levels of investigation – <u>support@nbco.gov.ie</u>
- Random Inspections: Making economic operators aware of the MSA presence in the marketplace – Market Surveillance Campaign for Aggregates 2021/22/23

General Activities: Regularly visit premises and workplaces where products are in service

- Random spot checks
- Take samples and test
- Incorporating material on EU Regulations (EU) No. 305/2011 on websites, including contact details for the authorised officers
- Review information regularly establish a database which could assist the planning of future market surveillance activity

Training & Promoting Compliance:

- Economic Operators
- Market Surveillance Authorities & competent National Authorities
- End-Users
- Others



National Market Surveillance Office

Regulation 2019/1020 CHAPTER V Article 14-MARKET SURVEILLANCE POWERS AND MEASURES Powers of market surveillance authorities **OECD Regulatory Compliance – Enforcement**

- "enforcement" covers all activities aimed at promoting compliance and reaching regulations' outcomes: information and prevention, inspections, and enforcement actions in the narrower sense (i.e. improvement notices, fines, prosecutions etc.) arising in connection with regulatory inspections by authorised officials or agencies.
 - "Inspections" covers any type of visit or check conducted by authorised officials on products or business premises, activities, documents etc. The way inspections are planned, better targeting, communicating with regulated subjects.

Responsibility for enforcing Union harmonisation legislation should lie with the Member States & MSAs

Balance between Regulations and removing unnecessary burdens on business community and citizens-well formulated enforcement strategy providing correct incentives. Organisation and governance of inspections. While inspections are sector specific there are many core activities that are universal for most sectors where inspections take place.



National Market Surveillance Strategy

Regulation EU 2019/1020 Article 13 National Market Surveillance Strategies.

Each Member State <u>shall draw</u> up an overarching national market surveillance strategy, at least every four years – 1^{st} Strategy 16^{th} July 2022.

Promote a consistent, comprehensive and integrated approach to market surveillance and to the enforcement-consider all stages of the product supply chain, ..imports and digital supply chains,-including priorities.

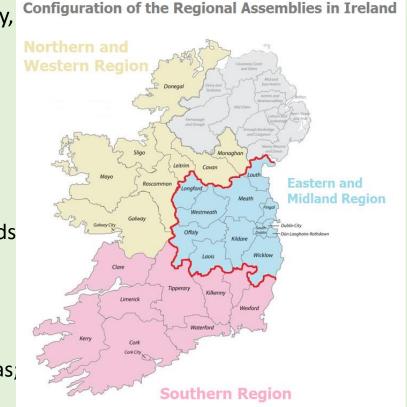
Include at least the following elements:

(a) available information on the occurrence of non-compliant products, --market trends that may affect non-compliance rates for products, and possible threats and risks related to emerging technologies;

(b) the areas identified by the Member States as priorities for the enforcement;

(c) enforcement activities plannedto reduce non-compliance in identified priority areas;

(d) an assessment of the cooperation with Member State MSAs.





National Market Surveillance Strategy

Regulation EU 2019/1020 Article 13 National Market Surveillance Stratégies





No 305/2011 of the European Parliament and of the Council of 9 March s for the marketing of const

ctive 89/106/EEC (OJ L 88, 4.4.2011, p. 5)

National Market Surveillance Strategy 2023 Market Surveillance Planned/Proactive Activities Regulation EU 2019/1020 Article 13 National Market Surveillance Stratgeies 2023 contd.



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Date: 1st of January 2023

#C) [0]

Aggregates for unbound & hydraulically bound materials IS EN 13242:2002 + A1:2007

SR 21:2014+A12016

Construction products generated from quarries and pits, specifically products from Area Code 24 (Aggregates) of the **CPR with a particular focus on:**

> Aggregate **Applications & Standards**

Aggregates for Concrete IS EN 12620:2002 + A1:2008 SR16:2016

Aggregates for Bituminous Mixtures IS EN 13043:2002 SR17:2004

Aggregates for Mortar IS EN 13139:2002 SR18:2006



Formal Compliance Requirements

Formal Compliance Requirements (minimum)

| | · · · · · · · · · · · · · · · · · · · | |
|--|---|--|
| Regulation 305/2011 CHAPTER II DECLA | RATION 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- | Is the CE marking followed by the two last digits | When making a construction |
| type | of the year in which it was first affixed | product available on the market, |
| Date of the declaration of performance | Name and address of the manufacturer details | manufecturers/importers/distribut |
| Name and address of the manufacturer | Unique identification code of the product-type | ers Sall and re the product is |
| details | | at ompanied Lynnstructions and |
| Is there a reference number of the | Is there a reference number of the declaration | |
| declaration of performance (DoP)? | performance (DoP) | c Cermin by the Member State |
| Is the declared performance in accordance | Is there a reference to the harmonised 🔊 | Soncomed which can be easily |
| with Annex ZA of the harmonised | specification | urcerstood by users. |
| standard) | | |
| Is there a reference to the harmonised | Is there an identification number of the motified | |
| specification | body | |
| Identification number of the notified body | Is the intended use availing with a first or | |
| System of AVCP | all to the top of the | |
| Which AVCP system is applied | <u> N' S S S P</u> | |
| Is the intended use available | Crince of tes | |

'CE marking' shall mean a marking by which the margine ctur and is the the product is in conformity with the applicable requirements set out in Community harmonisation gislation providing the its affixing; The CE marking should be affixed to all construction products for which the manufactur Chas which are the construction of performance in accordance with this Regulation. If a declaration of performance has not been wawn (b), the marking should not be affixed.

By drawing up the declaration of performance, two man wacturer shall assume responsibility for the conformity of the construction product with such declared perton and 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. dra.

Article 59-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 noncompliance 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.

ce Office



Information Note to Economic Operators



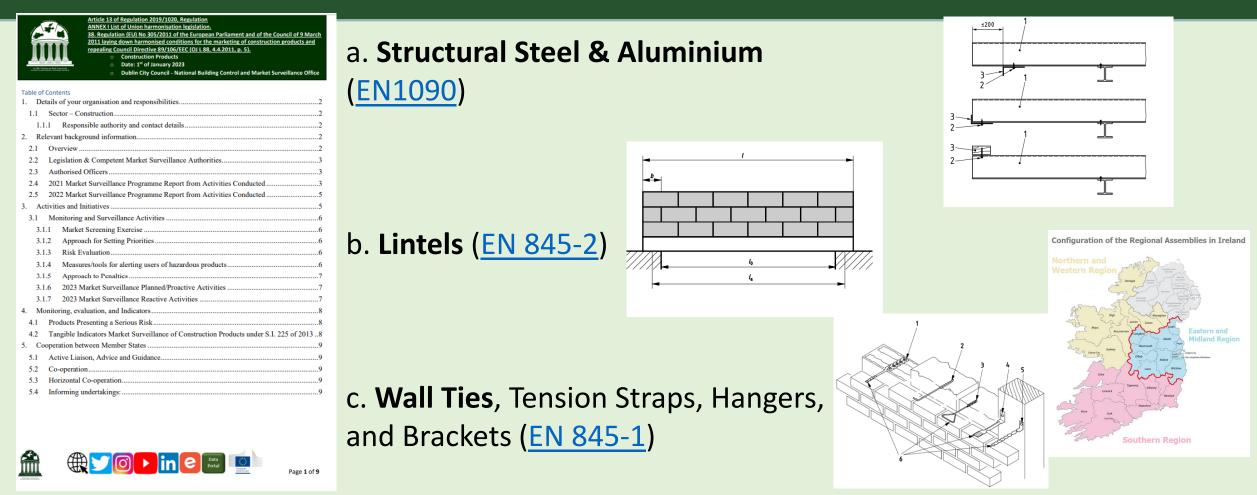
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National Market Surveillance Office

National Market Surveillance Strategy 2023 Market Surveillance Planned/Proactive Activities

Regulation EU 2019/1020 Article 13 National Market Surveillance Stratgeies 2023 contd.





National Market Surveillance Office

National Market Surveillance Strategy2023 Market Surveillance Reactive Activities

Regulation EU 2019/1020 Article 13 National Market Surveillance Stratgeies 2023 contd.

Article 13 of ANNEX I List 38. Regulati 2011 laying of repealing Co

NREX Lists of Union harmonisation legislation.
Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 Marcl
111 laving down harmonised conditions for the marketing of construction products and
pealing Council Directive 89/106/EEC (DI 188, 4.4.2011, p. 5).
Construction Products
Date: 1st of January 2023
Date: 1st of January 2st of Jan

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In 2023, reactive market surveillance inspections/enforcement will continue to be carried out, triggered on foot of:

- acting on information received from complaints, or
- in relation to a specific suspected offence or
- through **RAPEX** or
- ICSMS, and
- notifications from other authorities.





National Market Surveillance Office

National Market Surveillance Strategy tangible Market Surveillance indicators

Regulation EU 2019/1020 Article 13 National Market Surveillance Stratgeies 2023 contd.

| | | Article 13 of Regulation 2019/1020, Regulation ANNEX1 List of Union harmonisation legislation. 38. Regulation (EU) No 305/2011 of the European Parliame 2011 laying down harmonised conditions for the marketing repealing Council Directive 89/106/EEC (DI 188, 4.4.2011, - Construction Products 0 Dublin City Council - National Building Control | t of construction products and p. 5). |
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| Market Surve | eillance of Construction Products under S.I. 225 of 2013 Indicators to end of year | 2021 | 2022 | 2023 | |
|--------------|--|------|------|----------|-------------|
| 1. | Total No. of construction product related complaints | 10 | 4 | 2 | |
| 2. | No. of formal complaints by industry concerning unfair competition | 0 | 1 | 0 | |
| 3. | Total No. of inspections and broken down by: | | | | |
| i. | No. of reactive inspections undertaken on foot of complaint, | 10 | 2 | 0 | |
| ii. | No. of on-site self-initiated inspections | 109 | 70 | 7 | |
| iii. | No. of desk-top self-initiated inspections, and | 109 | 70 | 7 | |
| iv. | No. of inspections prompted by the Revenue Commissioners (i.e., Customs) | 0 | 0 | 0 | |
| 4. | Assessment of product compliance based on: | | | | |
| i. | Tests performed in laboratories | 148 | 257 | 6 | |
| ii. | Checks of products and/or documentation e.g., CE Mark, DoP, Safety Information | 109 | 70 | 4 | |
| | in Use | | | | |
| 5. | No. of inspections/ assessments resulting in: | | | | |
| i. | A finding of non-compliance | 2 | 3 | 0 | Configura |
| ii. | Corrective actions being taken by relevant economic operator (i.e., voluntary | 2 | 2 | 0 | Northerr |
| | measures) | | | | |
| iii. | Restrictive measures being taken by the market surveillance authority | 2 | 1 | 0 | |
| iv. | No of ICSMS Inspections logged | 45 | 26 | 10 | |
| v. | No of Article 12(3) of the EU(CPR) 2013 Requests for Information | 32 | 70 | 7 | 6º5 |
| vi. | No of Article 14(1) of the EU (CPR) 2013 Notices Issued/Served | 6 | 3 | 0 | e sa |
| vii. | No of Article 14(2) of the EU (CPR) 2013 Notices Issued/Served | 0 | 0 | 0 | |
| viii. | No of Article 14(3) of the EU (CPR) 2013 Notices Issued/Served | 0 | 0 | 0 | L. P. P. |
| 6. | No of prosecutions taken | 0 | 0 | 0 | le le |
| 7. | No. of successful prosecutions i.e., where sanctions/penalties were applied | 0 | 0 | 0 | |
| 8. | No. of notifications to other Member State Market Surveillance Authorities | 0 | 0 | 1 | 4 |
| 9. | Additional Comments/Other | N/A | N/A | N/A | La |
| | | | | 0 - 1 0 | Carrow Keny |
| 11. A | | | Page | e 8 of 9 | |

Configuration of the Regional Assemblies in Ireland





Article 29 CHAPTER VIII COORDINATED ENFORCEMENT AND INTERNATIONAL COOPERATION

Union Product Compliance Network

The purpose of the Network is to serve as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission, and to streamline the practices of market surveillance within the Union, thereby making market surveillance more effective.

EUPCN WORK PROGRAMME 2021-2022

Market Surveillance

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



Regulation 2019/1020 Article 32 Role and tasks of administrative cooperation groups (ADCOs)



Administrative Cooperation Groups (AdCos)

European cooperation on market surveillance takes place through informal groups of market surveillance authorities, called Administrative Cooperation Groups (AdCos).



1. ADCOs shall address specific matters related to market surveillance and sector specific issues.

- 2. ADCOs shall have the following tasks:
 - (a) to facilitate the uniform application of Union harmonisation legislation within their area of competence with a view to increasing the efficiency of market surveillance throughout the internal market;
 - (b) to promote communication between market surveillance authorities and the Network and develop mutual confidence between market surveillance authorities;
 - (c) to establish and coordinate common projects, such as cross-border joint market surveillance activities;
 - (d) to develop common practices and methodologies for effective market surveillance;
 - (e) to inform each other of national market surveillance methods and activities and to develop and promote best practices;
 - (f) to identify issues of shared interest relating to market surveillance and suggest common approaches to be adopted;
 - (g) to facilitate sector-specific evaluations of products, including risk assessments, test methods and results, recent scientific developments and other aspects relevant to control activities.



RAPEX, MSAs Role and Obligations

Stage 5: Risk assessment and RAPEX, Rapid Exchange of Information -rapid notification to market surveillance authorities.



Commission Implementing Decision (EU) 2019/417 RAPEX

Rapex Legal Basis:

- Article 12 of Directive 2001/95/EC (GPSD)
- > Article 20 of MSR (EU) 1020/2019 (Note Article 2(1) & Annex 1)

• Application:

- Non-food consumer products and non-consumer products
- Consumers and end-users
- Placed on market beyond territory of MS in Europe
- Measures are taking
- Article 19 MSR (EU 1020/2019) products presenting a serious risk
- Risk Assessment key component (Art 19(2))
- Article 11 Directive 2001/95/EC (GPSD) less than serious risk/Not placed on EU market
- Reactive follow-up notifications
- Timelines Important
- Weekly list published of non-compliant (dangerous) items.



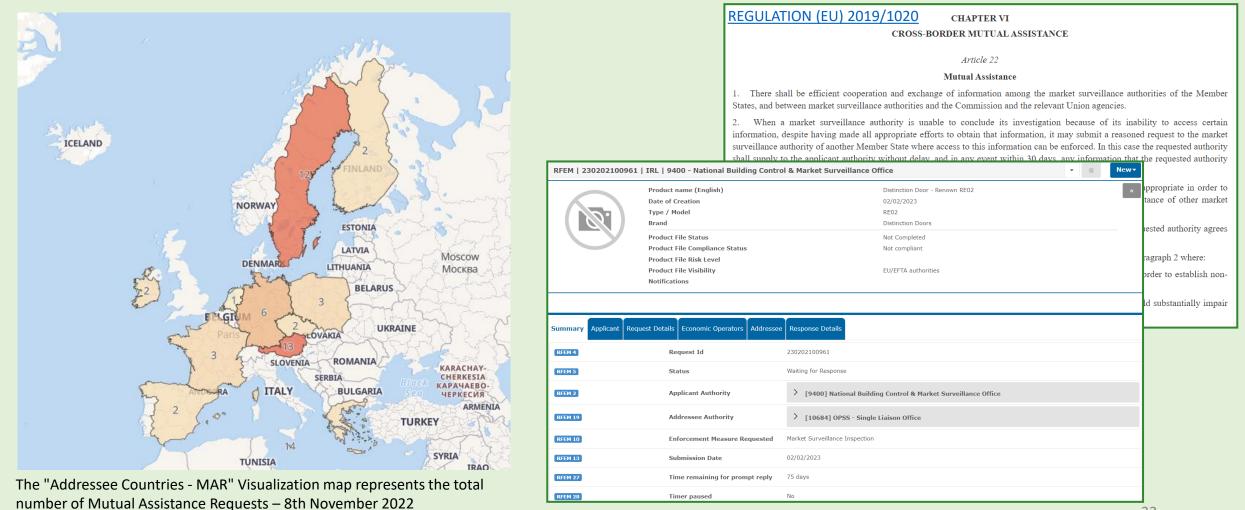
Information and Communication System for Market Surveillance

Summary

Market surveillance of products in the EU plays a crucial role in the protection of public interest, as even the best rules are worth little if they are not enforced properly. Market surveillance is also of interest for serious manufacturers, as it ensures a level playing field for reputable businesses. ICSMS was developed to facilitate the work of market surveillance authorities.



Market Surveillance – Promoting Compliance





National Market Surveillance Office

North Channe

Belfast

rish S

George's Channe

Northern Ireland

Market Surveillance Campaign 2021-2023

165 on-site **Market Surveillance Inspections** >400 laboratory tests performed on samples 9 Corrective actions notices issued 14(1) 109 Requests for information 12(3)

Location of Economic Operators visited



Traceability-771-3 ref, SR 16

| Examples of Traceability Procedures for block manufacturer | | | | | |
|---|---|------------|--|--|--|
| File No. | System of Traceability | Acceptance | | | |
| YYYYMMDD | Blocks stockpiled in the yard by production date. A form is completed that contains customer/location/production date/docket no, for each delivery. GPS | Accepted | | | |
| YYYYMMDD | Strap numbers on each bale of blocks with documented strapping records. | Accepted | | | |
| YYYYMMDD | Blocks stockpiled using batch codes. Unique batch code on each delivery docket. | Accepted | | | |
| YYYYMMDD | Separate stockpiles for each production day. Stock control book populated with new stock. Each stockpile clearly identifiable. | Accepted | | | |
| YYYYMMDD | Colour coded markings on each bale with a marked-up production calendar. | NC-Issued | | | |
| YYYYMMDD | Strap numbers turned inside out with documented strapping records. | Accepted | | | |
| YYYYMMDD | Dockets traced back to yard production date & storage location | Acceptance | | | |
| 9.2.0 Traceability. As appropriate, systems of traceability shall be given in the factory production | | | | | |

8.3.9 Traceability-As appropriate, systems of traceability shall be given in the factory production control system.

8.3.10 Nonconforming products -The procedure for dealing with nonconforming products shall be documented. Products that do not conform with the requirements or the performance of the product type shall be segregated and marked accordingly. However, these products may be reassessed by the manufacturer and assigned to a different product type.

The manufacturer shall take action to avoid a reoccurrence of the nonconformity.



Marking EN 771-3 –Delivery Dockets –key information

EN 771-3 is the core European Norm standard for concrete blocks and SR 325 is the national guidance for all things masonry, ref, <u>https://www.gov.ie/en/publication/45415-a-guide-to-the-marketing-and-use-of-aggregate-concrete-blocks-to-en-771-3-in-ireland/</u>

EN771-3, Section 7 and ZA.3 define the requirements for marking. ZA.1 and 2 define the info that should be in the DoP.

7 Marking-The following particulars shall be clearly marked on one of the following: the packaging, the delivery note, any certificate supplied with the masonry units, or 5 % of the units with a minimum of 4 per pack:

- a) the name, trademark or other means of identification of the manufacturer;
- b) means of identifying the date of manufacture of the units;
- c) means of identifying the units and relating them to their description and designation.

NOTE For CE marking and labelling, ZA.3 applies. Where ZA.3 requires the CE marking to be accompanied by the same information as required by this clause, the requirements of this clause can be considered to have been met.



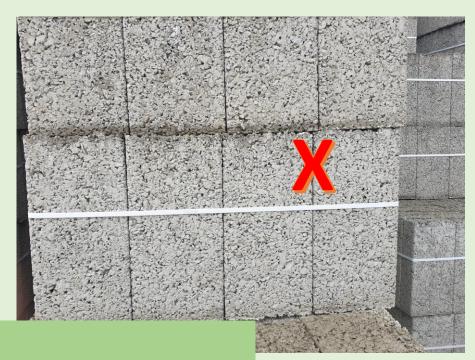


Traceability

Colour Coded-Straps Correctly Labelled EN ref, Name etc

No markings on strap





Marking and stock control of products

The marking and stock control shall be documented. Batches of products should be identifiable and traceable. The manufacturer's inspection scheme for marking and stock control -VIP



IS EN 12620

IS EN 13242

Aggregates for concrete

IS EN 12620, (*Ref, SR 16 for guidance on use*)

9 Marking and labelling

The delivery ticket shall contain **at least** the following information:

- a) designation;
- b) date of dispatch;
- c) serial number of the ticket;

d) the number of this European Standard.

NOTE For CE marking and labelling see clause ZA.3 in annex ZA

Note: IS888:2016 – Code of Practice for the procurement and use of unbound granular fill (hardcore) material for use under concrete floors and footpaths

Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction. IS EN 13242, (Ref, SR 21 for guidance on use **10 Marking and labelling** The delivery ticket shall contain at least the following information: a) designation; b) date of dispatch; c) serial number of the ticket; d) reference to this European Standard. NOTE For CE marking and labelling see ZA.3.



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Marking & Labelling Raw Materials –Stockpiles – Prevent Contamination



Making an Impression-Other Regulatory Compliance Issues!!!!





IS EN 13139

IS EN 13043

Aggregates for mortar

IS EN 13139, (Ref, SR 18 for guidance on use)

- **10 Marking and labelling** -Each delivery of aggregate for mortar shall be accompanied by a numbered delivery ticket, issued by or on behalf of the producer, stating:
- a) source (name of pit or quarry or in case of doubt, also depot);
- b) the production rea and /or location;

c) the date of dispatch;

- d) the designation in in accordance with Clause 9
- e)if required, the particle density and maximum chloride content;
- f)CE marking if relevant
- Note I can be a requirement of the supply agreement to have additional information included on the delivery ticket
- NOTE For CE marking and labelling see clause ZA.3

Aggregates for Bituminous Materials IS EN 13043, (Ref, SR **18 for guidance on use** 8 Marking and labelling The delivery ticket shall contain at least the following information: a) designation; b) date of dispatch; c) serial number of the ticket; d) reference to this European Standard. NOTE For CE marking and labelling see ZA.3 in annex ZA.



Silo segregation of different aggregates





- Size Correctly-for production plant
- How long will raw materials be stored in the elements
- Emptying
- Leaching of fines
- Properly Labelled





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No Segregation?? Contamination





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General dumping ground on arrival usually reflects quality of documentation in store





99% of block production and storage occurring outdoors



Proper Stock Control Essential First in First Out

How Long Will these be Exposed to Freeze-Thaw/ Elements???



Older Blocks???





National Market Surveillance Office

Websites??

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 157/2014

of 30 October 2013

on the conditions for making a declaration of performance on construction products available on a website



"reasonably foreseeable conditions of use of the product concerned"

<u>'risk'</u> means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;

(19) '**product presenting a risk**' means a product having the potential to affect adversely health and safety of persons in general, health and safety in the workplace, *protection of consumers,* the environment, public security and other public interests, protected by the applicable Union harmonisation legislation, to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements; (20) 'product presenting a serious risk' means a product presenting a risk, for which, based on a risk assessment and taking into account the normal and foreseeable use of the product, the combination of the probability of occurrence of a hazard causing harm and the degree of severity of the harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the risk are not immediate; (21) 'end user' means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;



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END USERS?

S.R. 325 & Technical Guidance

Documents (TGDs)

National Market Surveillance Office

information Economic Operators <u>MUST</u> have available for aggregate concrete blocks placed on the market?

Rialtas na hÉireann Government of 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/

A Guide to the Marketing and Use of Aggregate Concrete Blocks to EN 771-3 in Ireland

for manufacturers, importers, distributors, specifiers, designers, builders, certifiers and end users

Version 1.0 April 2022

"I am a self-builder / builder who intends to build (selfbuild or contract build), a house in the Republic of Ireland What are my obligations?"

Specifiers, Designers, Builders, Certifiers and

Intended (End) Use(s)?

THEFT

ath

HAVE READ THIS GUIDE!



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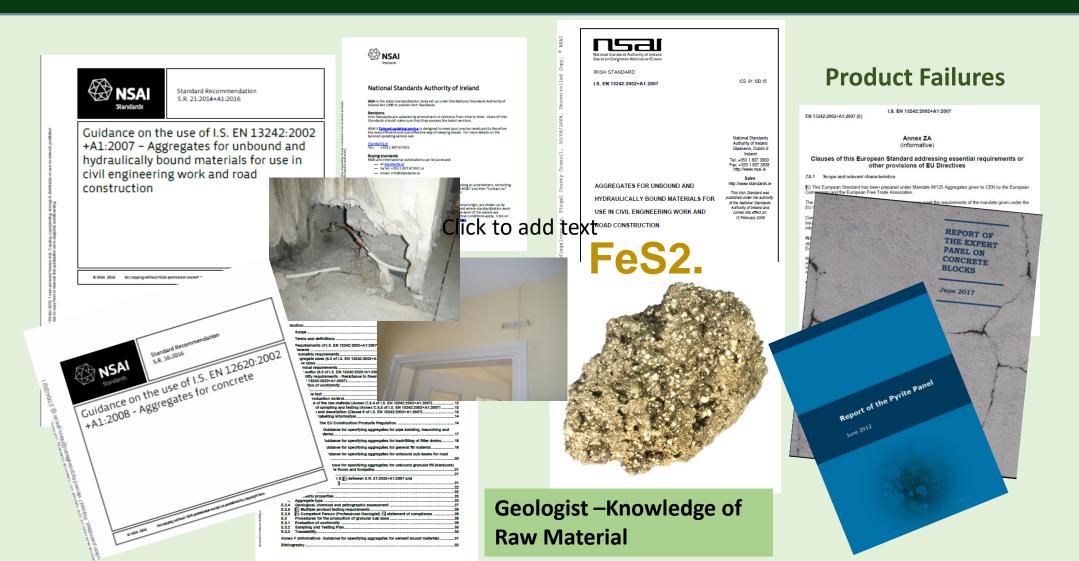
Way Forward







SR 21 which I.S EN13242:2002+A1 2007 Guidance on the Use of AGGREGATES FOR UNBOUND AND HYDRAULICALLY BOUND MATERIALS FOR USE IN CIVIL ENGINEERING WORK AND ROAD CONSTRUCTION





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SELLES BEL



An Oifig Náisiúnta um Rialú Foirgníochta NATIONAL BUILDING CONTROL OFFICE Market Surveillance of construction Products
 Education & Training
 Compliance Support
 Inspections
 support@nbco.gov.ie

GO RAIBH MAITH AGAT



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