



STATUTORY INSTRUMENTS.

S.I. No. 225 of 2013

EUROPEAN UNION (CONSTRUCTION PRODUCTS) REGULATIONS
2013

S.I. No. 225 of 2013

EUROPEAN UNION (CONSTRUCTION PRODUCTS) REGULATIONS
2013

INDEX

PART 1

PRELIMINARY AND GENERAL

1. Citation and commencement
2. Purpose of Regulations
3. Interpretation generally
4. Application and scope

PART 2

ECONOMIC OPERATORS AND COMPETENT NATIONAL
AUTHORITIES

5. General principles and use of the CE mark
6. Obligations on manufacturers
7. Obligations on importers
8. Obligations on distributors
9. Competent national authorities

PART 3

MARKET SURVEILLANCE AND SAFEGUARD PROCEDURES

10. Market surveillance
11. Appointment of authorised officers
12. Powers of authorised officers
13. Warrant to enter and search
14. Corrective actions
15. Service of notices
16. Offences
17. Defences
18. Penalties

19. Prosecutions

PART 4

MISCELLANEOUS

20. Forfeiture

21. Revocation

SCHEDULE 1

CE MARKING

SCHEDULE 2

COMPETENT NATIONAL AUTHORITIES

EUROPEAN UNION (CONSTRUCTION PRODUCTS) REGULATIONS
2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to the provisions of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011¹ and for the purpose of giving further effect to the provisions of Chapter III of Regulation (EU) No. 765/2008 of the European Parliament and of the Council of 9 July 2008², hereby make the following regulations:

PART 1

PRELIMINARY AND GENERAL

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Construction Products) Regulations 2013.

(2) These Regulations come into operation on 1 July 2013.

Purpose of Regulations

2. The purpose for which these Regulations are made include, in particular, the giving effect to the relevant provisions of Articles 7(4), 8(4), 8(5), 11(6), 11(7), 11(8), 12(2), 13(4), 13(7), 13(9), 14(2), 14(4), 14(5), 56, 58 and 59 of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

Interpretation generally

3. (1) In these Regulations—

“authorised officer” means a person appointed in accordance with Regulation 11 of these Regulations to be an authorised officer for the purpose of these Regulations;

“building control authority” means a local authority to which section 2 of the Building Control Act 1990 (No. 3 of 1990) applies;

“Building Regulations Advisory Body” means a body appointed by the Minister in accordance with section 14 of the Building Control Act 1990 (No. 3 of 1990);

¹O.J. No. L 88, 4.4.2011, page 5.

²O.J. No. L 218, 13.8.2008, page 30.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd July, 2013.*

“Commission” means the European Commission;

“competent national authority” means a body specified under and in accordance with Regulation 9 and Schedule 2 to these Regulations;

“Construction Products Regulation” means Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC;

“Construction Products Directive” means Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products³;

“language which can be easily understood by users” means the English language or such designs, symbols or pictograms as are considered necessary to establish that users are given sufficient information in relation to the construction product concerned;

“market surveillance” shall mean the activities carried out and measures taken by the body specified in Regulation 10 of these Regulations to ensure that construction products comply with the requirements set out in the relevant harmonised technical specifications and do not endanger health, safety or any other aspect of public interest protection;

“market surveillance authority” means a body specified in Regulation 10 of these Regulations responsible for carrying out market surveillance in the State or an authority of a Member State responsible for carrying out market surveillance on its territory;

“Market Surveillance Regulation” means Regulation (EU) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/9;

“Member State” means a Member State of the European Union;

“Minister” means the Minister for the Environment, Community and Local Government;

“notified body” means a body notified under and in accordance with the provisions of Article 39 of the Construction Products Regulation;

“public body” means a local authority and a public authority for the purpose of section 2 of the Local Government Act 2001 (No. 37 of 2001);

“Union” means the European Union as defined in section 1 of the European Union Act 2009 (No. 33 of 2009).

³O.J. No. L 40, 11.2.1989, page 1.

(2) A word or expression which is used in these Regulations and which is also used in the Construction Products Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Construction Products Regulation.

Application and scope

4. These Regulations apply to construction products to which the provisions of the Construction Products Regulation apply.

PART 2

ECONOMIC OPERATORS AND COMPETENT NATIONAL
AUTHORITIES

General principles and use of the CE mark

5. (1) Without prejudice to the requirements of Article 7(4) of the Construction Products Regulation, a declaration of performance shall be supplied in the English language where the product is made available on the market in the State.

(2) The CE marking shall—

(a) consist of the initials “CE” which take the form set out in Schedule 1 to these Regulations, and

(b) comply with the requirements of Articles 8 and 9 of the Construction Products Regulation.

(3) It shall be unlawful for any person to prohibit or impede, within the State, the making available on the market or the use of construction products bearing the CE marking, when the declared performances correspond to the requirements for such use in the State.

(4) It shall be unlawful for a public body or a private body acting as a public undertaking, or acting as a public body on the basis of a monopoly position or under a public mandate, to make, impose or enforce any rules or conditions relating to the use of construction products bearing the CE marking which would have the effect of impeding the use of such construction products, when the declared performances correspond to the requirements for such use in the State.

Obligations on manufacturers

6. 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 shall 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.

Obligations on importers

7. Without prejudice to the requirements of Article 13 of the Construction Products Regulation, importers shall ensure that, when making a construction product available on the market, 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.

Obligations on distributors

8. Without prejudice to the requirements of Article 14 of the Construction Products Regulation, before a construction product may be made available on the market, distributors shall 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.

Competent national authorities

9. For the purpose of Articles 11(7), 11(8), 12(2), 13(7), 13(9), 14(4) and 14(5) of the Construction Products Regulation, a competent national authority shall be a body specified in Schedule 2.

PART 3

MARKET SURVEILLANCE AND SAFEGUARD PROCEDURES

Market surveillance

10. (1) Notwithstanding Regulation 11, for the purpose of giving further effect to the provisions of Chapter III of the Market Surveillance Regulation, a market surveillance authority shall be—

- (a) a building control authority in respect of construction products placed on the market, or as the case may be, made available on the market, within its functional area,
- (b) a competent authority that may be appointed by the Minister in respect of specific construction products placed on the market, or as the case may be, made available on the market, in the State,
- (c) a competent person that may be appointed by the Minister in respect of specific construction products placed on the market, or as the case may be, made available on the market, in the State, and
- (d) the Minister for the purpose of a direction in writing under and in accordance with Regulation 14(4) and for the purpose of informing the Commission and the other Member States, under and in accordance with Regulation 14(6), of such a direction in writing.

(2) A market surveillance authority—

- (a) under paragraph (1)(a), shall be responsible for the market surveillance of construction products placed on the market, or as the case may be, made available on the market, within its functional area and shall take such steps as are necessary for this purpose,
- (b) where appointed by the Minister pursuant to paragraph (1)(b), shall be responsible for the market surveillance of the construction products, specified by the Minister, placed on the market, or as the case

may be, made available on the market, in the State and shall take such steps as are necessary for this purpose, or

- (c) where appointed by the Minister pursuant to paragraph (1)(c), shall be responsible for the market surveillance of the construction products, specified by the Minister, placed on the market, or as the case may be, made available on the market, in the State and shall take such steps as are necessary for this purpose.

Appointment of authorised officers

11. (1) For the purpose of giving further effect to Chapter III of the Market Surveillance Regulation—

- (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.

Powers of authorised officers

12. (1) An authorised officer shall, on request, obtain access to—

- (a) the place of manufacture or storage in the State of any construction product and to the technical documentation or information referred to in Articles 4, 5, 6, 7, 11, 12, 13, 14, 16, 36, 37 and 38 of the Construction Products Regulation and Regulations 5, 6, 7 and 8 of these Regulations,
- (b) any ship or other vessel, aircraft, railway wagon or other vehicle in the State, or the means of storage contained therein, in which he has reasonable grounds for believing that a construction product is being transported for the purpose of making it available on the market,

and there, or at any other place, make such evaluation, examination, tests or inspections as he may consider appropriate for the purpose of these Regulations.

(2) An authorised officer shall not, other than with the consent of the occupier, enter into a private dwelling under this Regulation unless he has obtained a warrant from the District Court under Regulation 13 authorising such entry.

(3) An authorised officer may—

- (a) request the relevant economic operator to supply the technical documentation or information referred to in Articles 4, 5, 6, 7, 11, 12, 13, 14, 16, 36, 37 and 38 of the Construction Products Regulation and Regulations 5, 6, 7 and 8 of these Regulations on demand or within such period of time as may be specified by the authorised officer,
- (b) take copies of, or extracts from, or take away, if considered necessary for the purposes of evaluation, examination or inspection, any records or other technical documentation or information as the authorised officer considers appropriate for the purpose of these Regulations,
- (c) require a person in charge or an employee to produce, in a legible form, information contained in files, paper or on computer, on demand or within such period of time as may be specified by the authorised officer,
- (d) require a person in charge or an employee to provide such explanations as the authorised officer considers necessary in relation to technical documentation, information, records or files, on demand or within such period of time as may be specified by the authorised officer,
- (e) take photographs of the construction product and the place of manufacture or storage of the construction product in the State,
- (f) bring such persons and equipment as the authorised officer considers appropriate for the purpose of these Regulations,
- (g) select, without payment, such samples of the construction product as the authorised officer may reasonably require and carry out, or arrange to have carried out, on such samples, there or elsewhere, such evaluations, examinations or tests, as the authorised officer considers necessary, and
- (h) shall take reasonable measures to guarantee the confidentiality of the technical documentation and such other information as may be supplied to him under this Regulation.

(4) Where a construction product is taken away for evaluation, examination and testing under and in accordance with paragraph (3)(g) and such evaluation, examination or tests confirms that the construction product does not conform with the declared performance or does not comply with other applicable requirements in the Construction Products Regulation, the costs incurred in, or in connection with, such evaluation, examination and testing may be recoverable by the market surveillance authority, as simple contract debt from any court of competent jurisdiction from the relevant economic operator.

(5) Where a construction product does not conform with the declared performance or does not comply with other applicable requirements in the Construction Products Regulation, in particular with the requirements laid down in Articles 56 and 58 and the non-compliances laid down in Article 59, an authorised officer may, by notice in writing under and in accordance with Regulation 14(1), direct the relevant economic operator to take such corrective actions, within such period of time as may be specified by the authorised officer, as are necessary for the purpose of complying with all applicable requirements of the Construction Products Regulation.

Warrant to enter and search

13. (1) Where an authorised officer in the exercise of his powers under these Regulations is prevented from entering any building or any part of a building in the State, or is prevented from entering any site or any part of a site in the State, or is prevented from entering any ship or other vessel, aircraft, railway wagon or other vehicle in the State, or the means of storage contained therein, or if he has reason to believe that evidence related to a suspected offence under these Regulations may be present in any building or any part of a building in the State, or may be present in any site or any part of a site in the State, or may be present in any ship or other vessel, aircraft, railway wagon or other vehicle in the State, or in the means of storage contained therein, and that the evidence may be removed therefrom or destroyed, the authorised officer or the market surveillance authority by whom he was appointed may apply to the District Court for a warrant under this paragraph authorising the entry by the authorised officer onto or into the building or any part of the building in the State, or onto the site or any part of the site in the State, or onto or into any ship or other vessel, aircraft, railway wagon or other vehicle in the State, or into the means of storage contained therein.

(2) If, on application being made to the District Court under paragraph (1), the District Court is satisfied, on the sworn information of the authorised officer that he has been prevented from entering a building or any part of the building, or is prevented from entering any site or any part of a site in the State, or is prevented from entering any ship or other vessel, aircraft, railway wagon or other vehicle in the State, or the means of storage contained therein, the Court may issue a warrant authorising that person, accompanied, if the Court deems it appropriate by another authorised officer or a member of the Garda Síochána, as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, and search the building or any part of the building in the State, or the site or any part of the site in the State, or the ship or other vessel, aircraft, railway wagon or other vehicle in the State, or the means of storage contained therein, or any other place specified in the warrant and—

- (a) to seize any construction product found there which in his opinion could not, without contravening these Regulations, be made available on the market, and
- (b) to require any person found there to give him his name and address and any other information in his possession in relation to any construction product referred to in sub-paragraph (a).

(3) An application under paragraph (1) for the issue of a warrant shall be made to the District Court in which district the building or part of the building, or the site or any part of the site in the State, or the ship or other vessel, aircraft, railway wagon or other vehicle, or the means of storage contained therein, or any other place to which the application relates is situated at the time the authorised officer was prevented entry.

Corrective actions

14. (1) Where a market surveillance authority finds that a construction product—

- (a) does not conform with the declared performance,
- (b) does not comply with other applicable requirements in the Construction Products Regulation, or
- (c) presents a risk under and in accordance with either Article 56 or Article 58 of the Construction Products Regulation,

that authority may, by notice in writing, direct the relevant economic operator to take such corrective actions, within such period of time as may be specified by that authority, as are necessary for the purpose of complying with all applicable requirements of the Construction Products Regulation.

(2) Where an economic operator fails to comply with a notice in writing under paragraph (1), the market surveillance authority shall, by notice in writing, inform the economic operator—

- (a) that it intends, after the expiry of the period of no greater than 14 days commencing on the date of notification, to request the Minister to issue a direction in writing under paragraph (4),
- (b) of the terms of the direction it intends to request the Minister to make, including in particular the exact grounds for that direction,
- (c) that it will consider any representations on the matter made by the economic operator within the period specified in sub-paragraph (a), and
- (d) of the appeal procedure under paragraph (12).

(3) After considering any representations made pursuant to paragraph (2)(c), a market surveillance authority—

- (a) may request the Minister to prohibit or restrict the construction product from being made available on the market, to withdraw it from the market or to recall it, or to make its use subject to special conditions, and
- (b) shall forward to the Minister the reasons for its request, any representations received and the comments of that authority thereon.

(4) Where the Minister is of the opinion, after consideration of—

- (a) a communication from the Commission, a Member State or a market surveillance authority of another Member State, that a construction product has been prohibited from being made available on the market, or has been withdrawn or recalled from the market, or
- (b) evidence of an imminent danger to health and safety arising from the use, or likely to arise from a prospective use, of a construction product, or
- (c) a request from a market surveillance authority pursuant to paragraphs (2) and (3),

he may, by direction in writing, prohibit or restrict the construction product from being made available on the market, withdraw it from the market or recall it, or make its use subject to special conditions and the economic operator shall comply with the requirements of the Minister's direction.

(5) Where a market surveillance authority issues a notice in writing under and in accordance with paragraph (1), or under and in accordance with paragraph (2), that authority shall have regard to all applicable requirements of Article 56, or Article 58 as the case may be, of the Construction Products Regulation.

(6) Where a direction is given under paragraph (4), the Minister shall, without delay, inform the Commission and the other Member States of the requirements of the Minister's direction, in accordance with Article 56 or Article 58 as the case may be.

(7) A direction under paragraph (4) may, as appropriate, be stated to apply to construction products representative of the product (whether it is of the same design, part of the same consignment or batch or otherwise) which is the subject of the direction.

(8) Where a direction is given under paragraph (4), the Minister shall cause a public notice of the prohibition, restriction of use, withdrawal or recall from the market, as the case may be, to be published in at least one national daily newspaper.

(9) The Minister may, if he thinks fit, consult the Building Regulations Advisory Body or any other person or body before giving a direction under paragraph (4).

(10) The Minister may withdraw a direction given under paragraph (4) where he considers that the prohibition, restriction of use, withdrawal or recall from the market, as the case may be, is no longer justified.

(11) An authorised officer may require the person to whom a direction is given under paragraph (4) to furnish any information to establish the whereabouts of any construction product or construction products subject to the direction.

(12) An economic operator who is affected by a direction given under paragraph (4) may, not later than 14 days after receipt by that person of that direction, appeal to the High Court against the direction on the following grounds—

- (a) that the economic operator is not the person on whom the suspension or termination should have been served, or
- (b) any substantive or procedural non-compliance with the evaluation carried out under Article 56(1) of the Construction Products Regulation.

(13) In determining an appeal under paragraph (12) the judge may, if he or she is satisfied that it is reasonable to do so, annul, vary or confirm the direction issued under paragraph (4).

(15) An economic operator who appeals under paragraph (12) shall at the same time notify the relevant market surveillance authority and the Minister of the appeal and the grounds for the appeal and that market surveillance authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(16) A document purporting to be a direction given by the Minister under paragraph (4) and so signed by the Minister shall be received in evidence and deemed to be such a direction without further proof, unless the contrary is shown.

Service of notices

15. (1) Where a direction, notice, document, construction product or other matter is required by these Regulations to be sent or given to a person it shall be addressed to him and may be sent or given to him in one of the following ways—

- (a) where it is addressed to him by name, by delivering it to him,
- (b) by leaving it at the address at which he carries on business or ordinarily resides, or
- (c) by sending it by post in a prepaid registered letter or package addressed to him at the address at which he carries on business or ordinarily resides.

(2) For the purpose of paragraph (1), a company within the meaning of the Companies Act 1963 (No. 33 of 1963) shall be deemed to be ordinarily resident at its registered office and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or any other place at which it carries on business.

Offences

16. (1) It shall be an offence for a person—

- (a) to fail to comply with a finding made by a market surveillance authority under and in accordance with Article 59 of the Construction Products Regulation,
- (b) to contravene, or fail to comply with, the terms of a direction in writing under and in accordance with Regulation 14(4),
- (c) to contravene, or fail to comply with, the terms of a notice in writing under and in accordance with Regulation 14(1),
- (d) to interfere with an authorised officer in the exercise of his duties under and in accordance with Regulation 13,
- (e) to disclose or use for business or commercial purposes or any other purpose (other than in connection with the prosecution of an offence under these Regulations) any information relating to a construction product in the possession of a notified body or a technical assessment body in the discharge of its functions under these Regulations without the written consent of that body,
- (f) to obstruct or interfere with an authorised officer or member of the Garda Síochána in the exercise of his powers under and in accordance with Regulation 13(2)(a) or to refuse to give information required under and in accordance with Regulation 13(2)(b), or
- (g) to contravene in any way any provision or requirement of, or under, Articles 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 36, 37, 38, 56, 58 and 59 of the Construction Products Regulation and Regulations 5, 6, 7, 8, 12, 13 and 14 of these Regulations.

(2) Where an offence under these Regulations is committed by a body corporate, or by an unincorporated body of persons, or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons, and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the neglect on the part of any person, being a director, manager, secretary or other officer or member of the body corporate or unincorporated body of persons, or a person who was purporting to act in any such capacity, that person, as well as the body corporate or unincorporated body of persons, commits an offence and is liable to be proceeded against and punished as if he committed the first-mentioned offence.

Defences

17. In criminal proceedings against any person for contravening Articles 4, 5, 6, 7, 8 and 9 of the Construction Products Regulation or Regulations 5 and 6 of these Regulations or for failing to comply with the terms of a notice in writing under and in accordance with Regulation 14(1), or a direction in writing under and in accordance with Regulation 14(4), it shall be a defence for the person (not being the manufacturer or his authorised representative) to show that he took all reasonable steps and exercised all due diligence to avoid any such contravention or failure to comply.

Penalties

18. (1) A person guilty of an offence under Regulation 16 is liable:

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 3 months or both; or
- (b) on conviction on indictment to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 12 months or both.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851 proceedings for a summary offence under these Regulations may be instituted at any time within one year from the date on which the offence was committed.

Prosecutions

19. An offence under these Regulations may be prosecuted by a market surveillance authority specified under and in accordance with Regulations 10(1)(a), 10(1)(b) or 10(1)(c) of these Regulations.

PART 4

MISCELLANEOUS

Forfeiture

20. (1) Where a person is convicted on indictment of an offence under Regulations 16(1)(a), 16(1)(b) or 16(1)(c), the court by which he is convicted may order (hereinafter referred to as a “forfeiture order”) any construction product in respect of which the offence was committed to be forfeited to the market surveillance authority and either destroyed, or otherwise disposed of, in such manner as the court may determine.

(2) Where a forfeiture order is made under paragraph (1), a market surveillance authority may for the purpose of giving effect to it seize and detain the construction product or products in respect of which the offence was committed where it has not already been detained.

(3) A person aggrieved by the making of a forfeiture order may appeal against that order to the High Court.

(4) Where a forfeiture order has been made, it may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal that may be made under and in accordance with paragraph (3).

(5) Where a construction product is forfeited under a forfeiture order it shall be destroyed, or otherwise disposed of, in accordance with such directions as the court may give.

(6) Subject to a forfeiture order under paragraph (1), the costs of destruction or disposal of the construction product or products may be recoverable by the market surveillance authority specified under and in accordance with Regulation

10 of these Regulations, as simple contract debt from any court of competent jurisdiction from the relevant economic operator.

Revocation

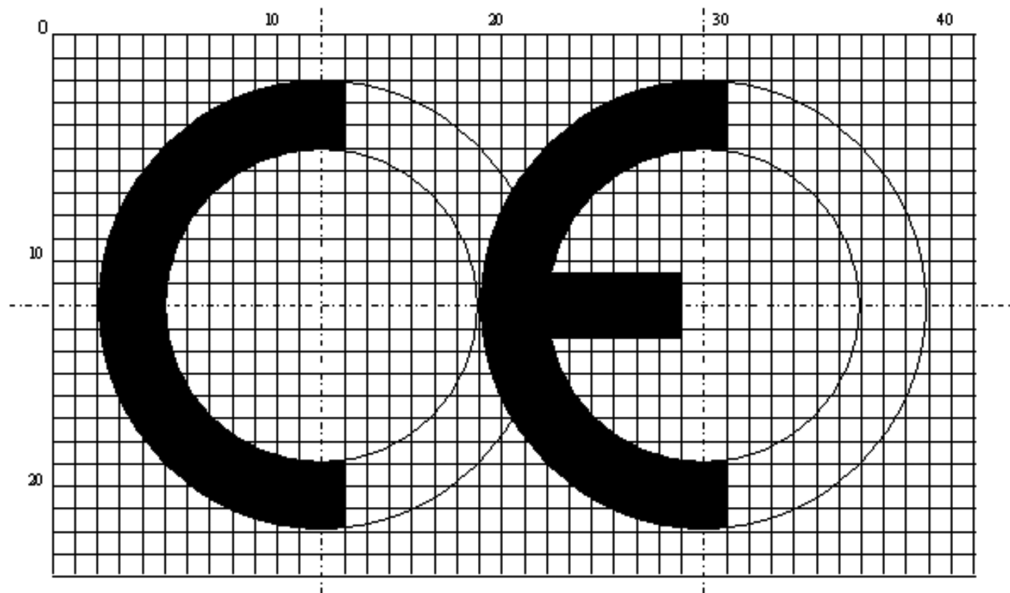
21. On and from 1 July 2013, the following are revoked—

- (a) the European Communities (Construction Products) Regulations 1992 (S.I. No. 198 of 1992), and
- (b) the European Communities (Construction Products) (Amendment) Regulations 1994 (S.I. No. 210 of 1994).

SCHEDULE 1

CE MARKING

1. The CE marking shall consist of the initials 'CE' taking the following form:



2. If the CE marking is reduced or enlarged, the proportions given in the graduated drawing in paragraph 1 shall be respected.

3. Where specific legislation does not impose specific dimensions, the CE marking shall be at least 5 mm high.

SCHEDULE 2

COMPETENT NATIONAL AUTHORITIES

For the purpose of Articles 11(7), 11(8), 12(2), 13(7), 13(9), 14(4) and 14(5) of the Construction Products Regulation and having regard to Regulation 9 of these Regulations, the bodies set out in Column 1 have been specified as being competent national authorities in respect of the area codes set out in Column 2 and, subject to the exclusions set out in Column 4, the associated product areas set out in Column 3.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
COMPETENT NATIONAL AUTHORITY	AREA CODE(S)	PRODUCT AREA(S)	EXCLUSIONS
Geological Survey of Ireland	24	Aggregates	
National Roads Authority	12	Circulation Fixtures: Road Equipment	EN 12676-1 EN 1423 EN 12352 EN 12368 EN 12899-2 EN 12899-3
	23	Road Construction Products	EN 14188-1 EN 14188-2 EN 14188-3 EN 13877-3 EN 15322 EN 14695
	24	Aggregates	EN 13139 EN 13055-1 EN 13055-2 EN 13450 EN 13383-1



GIVEN under my Official Seal,
27 June 2013.

PHIL HOGAN,
Minister for the Environment, Community and
Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations facilitate the implementation in Ireland of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC. Regulation (EU) No. 305/2011 lays down harmonised conditions for the marketing of construction products in order to ensure the free movement of such products across Member States of the European Union.

Part 1 of these Regulations makes provision for the coming into operation of the Regulations on 1 July 2013 and provides that the Regulations apply to construction products the essential requirements 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 Regulation (EU) No. 305/2011.

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.

Part 3 of these Regulations provides for the market surveillance of construction products having regard to the requirements of Chapter VIII of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC and the requirements of Chapter III of Regulation (EU) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/9. Regulation 10 provides that building control authorities shall be the market surveillance authorities and that the Minister may appoint other competent authorities to undertake market surveillance in respect of specific product areas. Regulations 11 to 14 provide for the appointment of authorised officers and their powers in respect of market surveillance. Regulations 15 to 19 provide for service of notices, offences, penalties and prosecutions.

Part 4 of these Regulations makes provision for the destruction or disposal of construction products where a person has been convicted on indictment of certain offences under these Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€4.06



Wt. (B29948). 285. 6/13. Clondalkin. Gr 30-15.