



Ministry of Housing,
Communities &
Local Government

Construction Products Reform Green Paper

FEBRUARY 2025

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Construction Products Reform Green Paper

Presented to Parliament
by the Secretary of State for Housing, Communities and Local Government
by Command of His Majesty

February 2025



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Consultation summary

Topic of this consultation

This consultation seeks views on a package of proposals for reform of the construction products regime.

Body/bodies responsible for the consultation

The Ministry of Housing, Communities and Local Government (MHCLG)

Scope of this consultation

This consultation sets out proposals for reform of the construction products regime.

It does not represent settled government policy.

Out of scope are responsibilities associated with the use or running of buildings or infrastructure.

Geographical scope

The regulation for the placing or making available on the market of construction products is a reserved matter, for which decision-making has not been delegated by Parliament to the devolved institutions such as the Scottish and Welsh Parliaments, the Assemblies of Northern Ireland and London or to Local Authorities.

As set out in more detail in Chapter 4, under the Windsor Framework, in order to preserve its unique market access, Northern Ireland applies relevant European Union rules relating to the placement of manufactured goods on the market. This applies to a subset of construction products placed on the market. We will work closely with stakeholders across Northern Ireland to ensure that reforms are carried out in a way that safeguards the internal market, without conceding the imperative of public safety.

Duration

This consultation will last for 12 weeks from 26 February 2025 until 21 May 2025.

The five sector groups that have been identified as critical to supporting our vision are set out in Chapter 3 but we will also be undertaking engagement with a wide group of stakeholders during the consultation period. This includes, but is not limited to, manufacturers, distributors, importers, off – and online marketers, specifiers, designers, developers, contractors and sub-contractors, installers and insurers. Further technical consultations may be conducted to develop and test more detailed policy, and we will continue to engage with industry throughout the policy development processes which will provide further opportunities to gather data, analysis, evidence, views and questions.

How to respond

This consultation is open to everyone. It is important to hear from a wide range of interested parties from across the public and private sectors, as well as from members of the public.

You may respond to this consultation through our online survey platform

<https://consult.communities.gov.uk/building-safety/construction-product-reform-green-paper>.

We strongly encourage that responses are made via the online platform, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. We expect a high-level of interest across many sectors. Using the online survey will assist our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

If you cannot respond via the online platform, you may send your response by email to:

ConstructionProducts@communities.gov.uk

If you are responding in writing, please make it clear which question or paragraph number each comment relates to, and also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs, to help us when considering your view on particular issues.

Written responses can also be sent to:

Consultation on Construction Products Reform green paper

Ministry of Housing, Communities and Local Government

Floor 3 (Mail point B17)

Fry Building

2 Marsham Street

London

SW1P 4DF

Please submit your response through only one of the above routes.

We intend to publish a summary of responses to this consultation.

When you reply, it would be very useful if you please confirm whether you are replying as an individual, a representative group or submitting an official response on behalf of an organisation and include:

- Your name
- Your email
- Your regional location
- Your position (if applicable)
- The name of your organisation (if applicable)
- The size of your organisation, for example, a Small or Medium Enterprise (SME) or larger business (if applicable)
- What your organisation is, for example a manufacturer, trading body, local authority (if applicable)
- A summary of the people and organisations your group represents (if applicable)
- Who else you have consulted in reaching the conclusions in your response (if applicable).

When responding to the consultation, please do not include sensitive personal data such as your name and address **within your responses** to questions. Information you provide in response to this consultation may be disclosed in accordance with United Kingdom legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004). Therefore, please ensure that your response does not include any material that you are not content for us to publish. For further information on our Data Protection policy please see Annex E.

For clarity, responsibilities associated with the use or running of buildings or infrastructure are out of scope of this document.

Thank you for taking time to submit a response. Your views will help to improve and shape our construction products sector.

Enquiries

For any enquiries about engagement on the green paper please contact:

ConstructionProducts@communities.gov.uk

When you enquire, it would be useful if you confirm whether you are enquiring as an individual or on behalf of an organisation and include:

- Your name
- Your position (if applicable)
- The name of your organisation (if applicable) and
- An email address.

Foreword by the Deputy Prime Minister

The fire at Grenfell Tower on 14 June 2017 saw the loss of 72 innocent lives. Many more were forever changed: people lost loved ones, friends and neighbours; and many lost their homes, and all their possessions. Every single institution set up to protect the people of Grenfell Tower, including the government, failed. And for that, on behalf of the British state, I am so very sorry.

It rapidly became clear that Grenfell Tower was far from alone in being covered in unsafe cladding and insulation. Many thousands of buildings up and down the country were similarly afflicted, in a crisis of horrifying scale and terrible repercussions. The Grenfell Tower Inquiry and independent reviews of building regulations, fire safety and the construction products testing regime revealed a building system that put profit before people, with devastating consequences.

There have been changes since 2017: buildings designed and constructed today are demonstrably safer than they were. But the job is far from done: we must reform the way the manufacturing, marketing, sale and use of construction products is regulated. This part of the regulatory regime has been almost untouched, and fixing that is central to the Inquiry response that we publish today.

Failures in this sector were central to the evidence considered by the Grenfell Tower Inquiry which relayed the ‘systematic dishonesty on the part of those who made and sold rainscreen cladding panels and insulation products’. This green paper focuses on the future regime, but let me also be clear that this government is working relentlessly to ensure accountability from manufacturers for their failings identified by the Inquiry report. This includes using new powers under the Procurement Act 2023 to enable government to hold to account suppliers through access to public contracts. We are investigating organisations criticised by the Inquiry under the Procurement Act 2023, and will be making decisions on these at pace.

Our mission is clear. The work of reform begins now. We have homes to build, buildings to fix and infrastructure to deliver. Those all deserve a genuinely world-leading regulatory regime that provides confidence in safety and certainty about accountability. It must be forensic where necessary, and ruthlessly efficient wherever possible: we will prove that good regulation can actually make it easier to deliver the safe homes people deserve at the speed our country needs.

The construction products sector is large and complex. The necessary changes will require significant, long-term effort from both government and industry. But shared responsibility does not mean diluted accountability. Each company, every person, must know precisely where they are responsible. If their products put safety in jeopardy or their work is substandard, there will be

consequences. That includes in government; those involved in standards, testing and certification; manufacturers; specifiers; contractors; investors; and the regulators. They need the knowledge, expertise and commitment to ensure the quality, safety, and installation of construction products.

These proposals span the breadth of the regulatory and institutional system: from ensuring a proportionate regulatory focus on the safety of all construction products; to making sure bodies that test and certify construction products act in the public interest, with penalties for those who do not. They show we will respond to the Grenfell Tower Inquiry to address the indisputable injustices it exposed. While the system is complex, the outcome must be clear: confidence in a system that guarantees safe products, safely used – encouraging investment in industry, skills and new technologies.

This green paper invites views on the options for regulatory reform. I want as many people as possible to give us their views. We know all too well that we all have a stake in this work. This matters for you and me. Safer, more effective rules that are easier to understand and enforce will be better for everyone. Your views will help shape these reforms: people are at the heart of everything this government does. I am determined that will be an enduring legacy of Grenfell Tower.



A handwritten signature in black ink that reads "A Rayner".

The Rt Hon Angela Rayner MP

Deputy Prime Minister and Secretary of State for Housing,
Communities and Local Government

Executive summary

Introduction

- i The Grenfell Tower tragedy in June 2017 claimed lives and also unveiled a pervasive crisis in the United Kingdom's (UK) construction products regulatory system. Thousands of residents found themselves in homes clad with unsafe materials, a situation that continues to affect many to this day. The Inquiry¹ that followed, alongside independent reviews such as Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety, 2018² and the Morrell-Day Review on Construction Products Testing Regime, 2023³, exposed significant failures in a system meant to safeguard public safety, revealing institutional failures that allowed profit to supersede safety.
- ii These findings necessitate urgent reforms to bridge gaps in oversight and regulatory assurance. Despite changes following the tragedy at Grenfell Tower, including bans on combustible materials and the establishment of new regulators, these reforms have proved insufficient amidst the scale of the identified issues. This green paper seeks to outline the current situation in detail, the actions taken, the lingering gaps, the proposed reforms, and the critical decisions that lie ahead.
- iii In addition to this position, the proposed reforms in the construction products regulatory framework are integral to supporting economic growth and facilitating the delivery of safe, high-quality homes. By expanding regulatory coverage to include all construction products, the government aims to eliminate unsafe materials from the market, enhancing the overall quality and safety of buildings. This focus on safety not only protects residents but also allows confidence in the construction industry, encouraging investment and participation from manufacturers and developers.
- iv The government has committed to reducing trade friction and simplifying cross-border transactions for suppliers, which will promote a competitive marketplace, and enable UK manufacturers to expand their reach and grow their businesses. Retaining consistency between the UK regulatory framework and the revised European Union requirements will contribute to achieving this outcome.
- v Moreover, a robust regulatory framework ensures that the government's commitment to build 1.5 million homes over the current Parliament is achieved safely and sustainably. By emphasising quality and safety, the reforms pave the way for innovative construction practices and materials, attracting skilled labour and boosting productivity within the sector. This approach creates a dynamic environment that supports long-term economic growth and addresses the pressing need for more housing.

¹ Grenfell Tower Inquiry. Homepage, Grenfell Tower Inquiry

² Building a Safer Future - Independent Review of Building Regulations and Fire Safety. Building a Safer Future: Final Report

³ Testing for a Safer Future - An Independent Review of the Construction Products Testing Regime. Testing for a Safer Future

Actions taken since the tragedy to rectify problems

- vi In the aftermath of the Grenfell Tower tragedy, significant actions have been initiated to address the critical failings in the construction products regulatory framework:
- The ban on combustible materials used in the external cladding of high-rise residential buildings. Initially introduced in 2018, this ban was later expanded in 2022 to include hotels and hostels, ensuring that future constructions and refurbishments prioritise fire safety.
 - The establishment of the National Regulator for Construction Products (NRCP) in 2021 marked a pivotal step towards enhancing market surveillance and enforcement. The NRCP operates under the Office for Product Safety and Standards (OPSS) and is tasked with coordinating responses to safety concerns and taking enforcement action under existing construction products regulations. By centralising oversight, the NRCP aims to mitigate risks associated with unsafe products in the marketplace.
 - The Building Safety Regulator (BSR), introduced in April 2021, further strengthened the regulatory framework by overseeing the safety and performance of all buildings, particularly higher-risk structures. The BSR promotes competence within the building industry and ensures that safety standards are met throughout the construction process. This dual-regulatory approach aims to address the fragmented oversight that contributed to the Grenfell Tower tragedy.
 - The Building Safety Act 2022 aimed to increase accountability among manufacturers and those using their products, ensuring those responsible for non-compliance faced suitable repercussions.
- vii Alongside the Public Inquiry into the Grenfell Tower tragedy and the steps highlighted above, the government established independent reviews of the fire system by Dame Judith Hackitt and construction products testing by Paul Morrell OBE and Anneliese Day KC. These reviews highlighted systemic issues and called for significant improvements in product safety and accountability. This green paper considers the recommendations in these reviews, reflecting this government's commitment to bring forward system-wide reform of the construction products regime.

Remaining gaps in the current system

- viii Despite the significant reforms initiated in response to the Grenfell Tower tragedy, the government is clear that critical gaps persist in the construction products regulatory framework and further efforts are necessary to transform the culture around product safety. These shortcomings undermine the overall effectiveness of the changes made.
- ix One of the most pressing issues is the limited scope of regulation, which leaves a substantial number of construction products unregulated. Evidence provided to the Morrell-Day Review suggests that some two-thirds of products on the market are not covered by existing construction products regulations⁴. This lack of comprehensive coverage allows potentially

⁴ Footnote 101 of the Morrell-Day Review notes “The numbers typically quoted are that there are 30,000 products of which about 10,000 are covered by a designated standard, and therefore by the CPR [Construction Products Regulation]. We [Morrell-Day] have, however, been unable to trace any source for those numbers, nor even for what they represent, as the number of products of different purpose, manufacture, specification and dimension must run into the millions. The one-third estimate is therefore taken on trust – but the principle that the number of products covered by the CPR is heavily outnumbered by the number that aren’t seems valid.”

unsafe materials to enter the construction system. With inadequately regulated products, the potential for sub-standard materials to be used in renovations and new builds remains high.

- x Additionally, the emphasis on compliance with designated standards means that many products lack robust safety evaluations. The focus of the current regulatory regime has primarily been to facilitate trade rather than to ensure the safety of construction products. As a result, many products achieve market entry based on meeting technical specifications that do not necessarily correlate with their safety and performance in practical use, leading to a disconnect between marketed safety and real-world risks.
- xi The enforcement mechanisms in place also suffer from limitations. Although the NRCP and BSR have been established to oversee compliance, they lack sufficient authority and resources to take decisive action against non-compliant manufacturers. The Inquiry pointed to a culture of impunity, where manufacturers can misrepresent product safety with little fear of repercussion. The lack of strong deterrents and the infrequently exercised enforcement powers diminish the potential impact these regulatory bodies could have on ensuring compliance.
- xii Another critical gap lies in the availability and accessibility of product information. Stakeholders, including builders and consumers, face challenges when looking to access clear and comprehensive information about the safety performance of construction products. Misleading marketing practices further complicate matters, as manufacturers sometimes present products in a manner that exaggerates their safety credentials. This presents significant challenges in maintaining transparency and accountability across the supply chain.
- xiii Finally, the fragmented nature of the regulatory landscape continues to create inconsistencies in oversight and enforcement. With multiple organisations involved, communication and cooperation often fall short, resulting in missed opportunities to share safety information and coordinate responses to emerging risks.

Proposals for reform to the construction products regulatory framework

- xiv This government is proposing a series of ambitious reforms aimed at enhancing safety, ensuring accountability, and fostering transparency and therefore confidence across the construction sector. This will also support economic growth, infrastructure delivery and our ambition of building 1.5 million new homes.

1. Comprehensive regulatory coverage

- xv We are proposing to address the gaps in regulatory coverage that could allow unsafe products to be placed on the market. Currently, anecdotal estimates suggest that two-thirds of construction products are not covered by existing regulations, creating a safety risk. To address this, the government plans to implement a proportionate, risk-based general safety requirement that applies to all currently unregulated construction products.
- xvi This new requirement mandates that all manufacturers are responsible for assessing the safety risks associated with their products before they are marketed. This may consist of conducting risk assessments that consider the product's intended use and normal or reasonably foreseeable conditions of use. By requiring this level of assurance, the government is closing the existing regulatory loopholes and ensuring that all construction materials contribute to public safety. Additional measures will apply to products critical to safe construction.

2. Mandatory compliance for products with designated standards

- xvii Products that do fall under designated standards or are subject to a technical assessment must continue to comply with standards but with accompanying reforms to drive safety. This will also be consistent with the revised European Union regulatory regime.
- xviii Existing regulations also need to be enforced with stronger sanctions for those who fail to adhere to the standards. The proposed reforms will include both civil and criminal penalties for manufacturers that engage in misleading practices or neglect their responsibilities regarding product safety. The government emphasises that this dual framework—requiring compliance from both regulated and unregulated products—will establish a safer built environment. This compliance obligation aims to foster market integrity and ensure that all products available for use in construction have been adequately assessed for safety.

3. Improved enforcement mechanisms

- xix The critical issue of enforcement remains a prominent concern in the current regulatory framework. While the creation of the NRCP and the BSR marks progress, these regulators must be equipped with enhanced powers and resources to effectively enforce regulations.

To this end, the government proposes reforms that:

- Include the ability of the national regulator to impose sanctions against manufacturers and others that breach safety obligations. Options such as a penalty regime, including fines based on company revenue, and powers to limit individuals' activity in industry will deter manufacturers from engaging in non-compliance.
- Empower the national regulator to conduct routine, proactive market inspections and surveillance activities, enabling early detection of unsafe products before harm occurs. This shift towards a more proactive approach will promote a culture of safety in the industry, reinforcing the message that compliance is mandatory.

4. Enhanced product information and transparency

- xx It is essential that all stakeholders can access clear and credible product information to make informed decisions regarding construction materials. The government's proposals include:
 - Requiring that all construction products feature clear, accessible labelling and product information that outlines critical safety information. Product information must be understandable to a wide range of users, from construction professionals to everyday consumers. The intention is to promote transparency and empower clients and builders to make safety-critical decisions based on reliable information.
 - Establishing a library for construction products that will serve as a central repository for vital information related to construction products. This library will house data such as test results, certificates of compliance, and relevant academic research. By linking this library to the national regulator, the government aims to enhance public access to crucial data, supporting better decision-making throughout the construction sector.
 - Mandating manufacturers to maintain and provide full test data of their products for the national regulator to enable it to assure compliance with all new requirements. Coupled with a clear expectation that manufacturers make test results accessible. This transparency is essential for accountability, helping prevent misleading marketing practices and supporting the safe use of products.

5. Digital solutions for enhanced traceability

- xxi Advancing technology offers an opportunity to improve transparency and traceability in the construction products sector. The introduction of Digital Product Passports offers the potential to provide vital information regarding the safety, composition, and potential hazards associated with each product. By being accessible via a digital medium, stakeholders can instantly verify critical product details, track the product along its supply chain, and ensure compliance with safety standards. Alongside, stronger traceability systems will allow for easier identification of issues when safety concerns arise and fosters accountability among manufacturers. Such systems will also aid regulatory bodies in monitoring compliance more effectively.

6. Strengthening third-party testing and certification

- xxii To restore confidence in product safety assessments, the government acknowledges the pressing need for reform of third-party testing and certification. Key proposals include:
- Introducing mandatory minimum requirements for all third-party certification schemes. These requirements will ensure that such schemes maintain a high level of rigor, consistency, and transparency. Certification bodies will be compelled to affirm that their processes are free from conflicts of interest, operate in the public interest, and adhere to best industry practices.
 - Ensuring compliance with these minimum standards, with increased oversight of conformity assessment bodies (CABs). This could involve regular audits and inspections by the national regulator to evaluate their adherence to the proposed standards. Mechanisms for whistleblowing will also be put in place, empowering insiders to report unethical practices without fear of retribution.
 - Focussing on enhancing the skills and capacities of those involved in third-party testing. The government will collaborate with industry stakeholders to provide training programs aimed at improving technical expertise within CABs. By empowering these organisations, the goal is to produce reliable and trustworthy assessments of construction products.

7. Enhanced coordination among regulatory bodies

- xxiii To address the fragmented nature of the regulatory landscape, the proposals place significant emphasis on improving coordination between the various regulatory bodies involved in the construction process. This should include a coordination framework among the national regulators, Local Authority Trading Standards (LATS), and other relevant agencies. This will create clear lines of communication, allowing regulatory bodies to share intelligence, co-ordinate investigatory work, and harmonise enforcement actions across the country. By working collaboratively, regulators can more effectively manage risks and respond to emerging safety concerns alongside reporting systems that allow all stakeholders, including manufacturers and users, to share safety information with regulators. This will create an environment where potential risks can be detected early, leading to prompt interventions before safety issues escalate. Enhanced co-ordination between national regulators will also continue to remain important, reflecting proposals for a single construction regulator as recommended by the Grenfell Tower Inquiry Phase 2 Report⁵.

⁵ Grenfell Tower Inquiry Phase 2 Report. Phase 2 Report

8. Sustainability and environmental considerations

- xxiv As part of the reform process, there is a commitment to aligning construction products regulations with broader sustainability goals. Future standards will include considerations for environmental performance alongside safety. This means that relevant products will need to adhere to sustainability criteria aimed at reducing environmental impact. The green paper will explore the concept that construction products should be required to undergo life cycle assessments to understand and explore further options to mitigate their environmental footprint.
- xxv The government will work closely with industry stakeholders to develop products and practices that support a transition to a circular economy whilst enabling growth. This includes encouraging the reuse and recycling of construction materials and minimising waste throughout the construction process.

9. A strengthened accountability framework

- xxvi To ensure that all those involved are held accountable for their roles in the construction supply chain, the proposals advocate for a strengthened accountability framework. The framework will clarify the responsibilities of everyone involved in construction—from manufacturers and suppliers to builders, contractors and installation teams. Each party will be required to adhere to defined obligations, ensuring that safety is prioritised at every stage of the construction process. For instance, manufacturers must ensure their products meet enhanced safety regulations and provide clear, transparent and accurate information, while contractors are obligated to ensure that the products used in construction are installed correctly and safely.
- xxvii Additionally, the reforms will introduce stringent penalties to address manufacturers found to be deliberately promoting misleading information about their products or contractors using unsafe materials. This approach aims to establish a culture of responsibility where all parties are aware of the consequences of negligence or misconduct.

10. Strengthening route to redress

- xxviii Given the profound impact of the Grenfell Tower tragedy on communities, ensuring a robust mechanism for redress is crucial. The government is committed to reviewing and, where appropriate, improving legal routes for individuals to seek redress from construction product manufacturers. This involves streamlining processes to hold manufacturers accountable for any harm caused by defective products, including financial compensation for those affected by unsafe products, where appropriate. We must ensure that legal frameworks provide victims and affected residents with the necessary routes to pursue claims.

11. Continuous improvement and adaptation

- xxix Critical to reform will be the establishment of processes that encourage continuous improvement and adaptation to changing circumstances. It is proposed that the new construction products regulatory framework undergoes periodic reviews to ensure that it remains fit for purpose. This will involve assessing the effectiveness of regulations, identifying areas for improvement, and integrating emerging best practices into the existing framework. Regular stakeholder engagement will be key, allowing for updates based on firsthand experiences from the industry and communities.

- xxx The government recognises the importance of innovation in enhancing building safety. The proposals will encourage the adoption of new technologies and methodologies that promote safety and sustainability in construction, simultaneously facilitating growth. This includes investing in research and development initiatives aimed at creating safer products, improved testing methods, and smarter construction practices.

Conclusion

- xxxi The proposed reforms in the construction products regulatory framework are integral to fostering economic growth and facilitating the delivery of safe, high-quality homes. By expanding regulatory coverage to include all construction products, the government aims to eliminate unsafe products and unsafe use from the market, enhancing the overall quality and safety of buildings and protecting residents. This will also build confidence in the construction industry, encouraging investment and participation from manufacturers and developers. The government seeks to minimise trade friction and simplify cross-border transactions for construction materials. Retaining consistency between the UK regulatory framework and the revised European Union will help achieve this outcome. It will promote a competitive marketplace, enabling UK manufacturers to expand their reach and grow their businesses.
- xxxii A robust regulatory framework ensures that the government's commitment to build 1.5 million homes over the current Parliament is achieved safely and sustainably. By emphasising quality and safety, the reforms pave the way for innovative construction practices and materials, attracting skilled labour and boosting productivity within the sector. It will create a dynamic environment that supports long-term economic growth, infrastructure and housing delivery.
- xxxiii Collaboration between government, industry, and local communities is essential for reform. Government will build stronger partnerships with industry stakeholders, including manufacturers, construction companies, and the workforce. Through collaboration and dialogue we will ensure that reforms are practical, effective, and considerate of the realities faced by those working in the industry.
- xxxiv Community engagement will be prioritised in the reform process to cultivate a shared responsibility for safety. Residents will be given a platform to express their concerns and participate in discussions about the regulations that govern their living environments. This grassroots involvement is vital for mutual trust between regulatory authorities and communities.
- xxxv The proposed reforms outlined in the green paper represent a significant step toward creating a robust regulatory framework for construction products. By addressing the identified gaps in the current system, the government aims to ensure that all construction products are safe and used safely, that manufacturers and other stakeholders act responsibly, and that affected communities have access to justice they deserve.
- xxxvi These reforms underscore a commitment to safeguarding public safety and rebuilding trust in the construction industry. The government calls on all stakeholders—manufacturers, builders, regulators, and residents—to collaborate in this transformative process and to foster a culture that prioritises safety, quality, and transparency in the construction products sector. The lessons learnt from the Grenfell Tower tragedy must serve as a catalyst for meaningful change, ensuring a safer and more secure future for all residents.

Introduction

- 1 This green paper seeks views on ambitious system-wide reforms to the construction products regulatory and institutional regime. In its final report, the Grenfell Tower Inquiry⁶ (the Inquiry) set out clear evidence on the failings of the construction products regime, and the need for substantive reform. Furthermore, two independent reviews commissioned by the previous government: the ‘Independent Review of Building Regulations and Fire Safety by Dame Judith Hackitt, 2018’⁷ (the Hackitt Review); and the ‘Independent Review of the Construction Products Testing Regime by Paul Morrell OBE and Anneliese Day KC, 2023’⁸ (the Morrell-Day Review), catalogued systemic institutional, enforcement and regulatory issues in the construction products regime.
- 2 Since the Grenfell Tower tragedy, action taken has been limited: combustible cladding on high rise building has been banned, and two new regulators have been established. The National Regulator for Construction Products (NRCP) was established in 2021 to provide market surveillance to uncover and respond to safety concerns effectively, albeit with limited powers. The Building Safety Regulator (BSR) was also set up in 2021 to oversee the safety and performance of all buildings.
- 3 The government is unequivocal that not enough progress has been made and much more needs to be done to ensure homes, buildings and wider infrastructure are made from safe products, safely used, with the necessary oversight and accountability in place. As the government delivers on our commitment to build 1.5 million homes over this Parliament which residents can trust, further action is required on construction products to ensure lasting change that delivers safe homes and facilitates a growing economy.
- 4 This green paper is a next step. It addresses key recommendations from the Inquiry’s Phase 2 Report⁹ and Dame Judith Hackitt’s Review and provides a response to the Morrell-Day Review, with a summary set out in Annex C.
- 5 Our guiding objectives for reform are to improve safety and to rebuild public trust in the performance of construction materials now and over the coming decades, and to regulate so that manufacturers and other economic operators¹⁰ act responsibly whilst allowing our industrial

⁶ Grenfell Tower Inquiry. Homepage, Grenfell Tower Inquiry

⁷ Building a Safer Future - Independent Review of Building Regulations and Fire Safety. Building a Safer Future: Final Report

⁸ Testing for a Safer Future - An Independent Review of the Construction Products Testing Regime. Testing for a Safer Future

⁹ Grenfell Tower Inquiry Phase 2 Report. Phase 2 Report

¹⁰ Throughout this green paper we use our proposed definition of economic operator which is detailed in Chapter 5. This includes the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to this Regulation in relation to the manufacturing or remanufacturing of products, including products to be reused, or to making those products available on the market, in accordance with this Regulation. This definition of ‘economic operators’ does not include online marketplaces. We have included explicit reference to potential obligations on online marketplaces where relevant.

base to grow and innovate. We need to secure impactful, system-wide transformation, whilst facilitating sustainable growth.

- 6 This green paper is set out in two parts:

Part A summarises the case for change, building on the evidence and findings from the Inquiry and from the two Independent Reviews. It sets out information about the sector and the current regulatory landscape, including existing consumer protections and the Building Safety Act 2022. It includes analysis of the problems with the current system, identifying weaknesses, gaps and a lack of oversight in the existing regime, including shortfalls in the effectiveness of key players across the regime. It also introduces a vision and objectives along with potential definitions and the scope of reforms.

Part B details proposals to deliver system-wide reform in line with those objectives. The starting point is a risk-based regulatory regime that is trusted and which ensures products are used safely. It considers the extent to which these guiding objectives can aid in minimising trade friction through consistency with new measures introduced by the European Union (EU). Whilst prioritising safety, recognising certain aspects are within the competence of the Northern Ireland Executive, it sets out how the proposals facilitate a consistent regime of enhanced protections across the whole of the United Kingdom (UK). This also reflects the importance of future trade with the European Union, supporting growth. Additionally, it considers ways we need to build beyond this in the UK regime. It invites views on product requirements based on risk and proportionality including the approach towards a general safety requirement, products considered critical to safe construction, those adopting voluntary standards and testing, and the future role of product marking. It introduces proposals for product information, marketing and labelling relevant to operators across the delivery chain and tests reforms to the underpinning National Quality Infrastructure¹¹. Beyond that, it recognises the need for sufficient enforcement and redress, inviting views on the range of powers for respective regulators.

- 7 Throughout this green paper we refer to both the regime in Great Britain, and to the requirements in the UK. We use ‘Great Britain’ (England, Scotland and Wales) where specific considerations apply in Northern Ireland. Specifically, Northern Ireland follows a subset of EU rules in relation to construction products, in line with the Windsor Framework in order to preserve its unique market access. We refer to the UK regime (that is, the arrangements that apply in England, Scotland, Wales and Northern Ireland) at all other times.
- 8 The government recognises the critical importance of understanding the range of views of different sector groups, people and organisations across the construction products delivery chain including consumers. Reforms must be informed by all who have a role in their construction and use. In addition to encouraging responses to the consultation, we are committed to engagement across the sector to help ensure that we get these reforms right. How to engage in this process, particularly over the next 3 months, is set out in Chapter 12.

¹¹ [UK National Quality Infrastructure . Guidance - GOV.UK](https://www.gov.uk/guidance/national-quality-infrastructure)



Part A:

The case for change

Part A of this green paper describes the current regulatory and institutional landscape for construction products, sets out the challenges associated with this landscape, and outlines the consequent objectives for reform of the existing regulatory and institutional regime.

Chapter 1: Overview of the construction products sector and regulatory regime

- 1.1. The construction products sector and the regulatory regime is of critical importance to the safety of buildings. The devastating Grenfell Tower tragedy exposed failings in the sector and the regulatory regime that oversees it. The subsequent Inquiry revealed significant shortcomings in behaviour from some of the manufacturers, alongside weaknesses in the assurance regime that allows products to be placed on the market and used in buildings. The systems that should have ensured public safety failed to do so.
- 1.2. The government has committed to take decisive action to deliver system transformation of the construction products regime, including through regulation, to ensure we never again see a repeat of the Grenfell Tower tragedy and the experience of many thousands of residents in homes with unsafe products. When the Inquiry's Phase 2 Report was published on 4 September 2024, the Prime Minister committed in his statement to Parliament:

“We will also reform the construction products industry that made this fatal cladding. So homes are made of safe materials. And those who compromise that safety will face the consequences.”

**Prime Minister's statement on Grenfell Tower Inquiry final report:
4 September 2024 – GOV.UK**

- 1.3. This green paper sets out how we will meet this commitment by the Prime Minister. It also brings together the evidence presented at the Inquiry as well as two independent reviews; the Hackitt Review and the Morrell-Day Review to understand what went wrong. This chapter provides background and context to the sector and the current regime.

The construction products sector

- 1.4. Construction products are in all our buildings and infrastructure, ranging from basic products (e.g. bricks) to systems or assembled products (e.g. fire doors or cladding systems). They are a pivotal part of the housing and infrastructure supply chain and therefore crucial to our commitment to deliver 1.5 million homes over this Parliament that are safe now and in the future. In 2022, construction products made up 12% of the United Kingdom's (UK)

entire manufacturing base by turnover¹², and the total sector turnover for UK construction product manufacturers was estimated at £79bn. In 2023, there were approximately 24,900 construction product manufacturers in the UK¹³, representing around 1 in 6 UK manufacturers. When broken down by business size, around 94% of UK construction product manufacturers were small or micro firms with fewer than 50 employees. In 2023, around 390,000 people in Great Britain were estimated to be in employment in the construction products sector¹⁴.

- 1.5. Trade is a significant contributor to future growth. The Department for Business and Trade¹⁵ estimates that the construction products sector imports more than it exports, with £22.7bn imported and £8.6bn exported, a deficit of around £14.2bn in 2023. The European Union (EU) is the UK's largest trading partner for construction products, with around 60% of exports and 61% of imports going to and from the EU. In 2023, the biggest share of construction products imports from a single country came from China, from which the UK imported around £4.0bn in goods. The UK's largest export market was Ireland, to which the UK exported £1.6bn in construction products. The most imported and exported construction product was electrical wires, worth 12% of imports and exports respectively.

The current regulatory framework

- 1.6. The current UK construction products regulations originate from the UK's membership in the EU and remain closely aligned with the regime as it stood following the UK's departure, with regard to coverage, requirements and processes. The Construction Products Regulation 2011 (Regulation (EU) No 305/2011) (EU-CPR) was introduced across the EU in 2013, including the UK. In 2019, Parliament passed legislation to make arrangements for the regulation of construction products, following the UK's departure. The EU-CPR became 'retained EU law', i.e., law which the UK saved to ensure that the regime continued to operate. Amendments were made in 2020 to implement the original Northern Ireland Protocol

¹² Ministry of Housing Communities and Local Government analysis based on ONS (2023) Non-financial business economy, UK: Sections A to S – Office for National Statistics.

Note that the £79.0bn for construction product manufacturers turnover include some firms that centre around quarrying for stone usable in construction which are not considered manufacturers under Standard Industrial Classification (SIC), excluding them would reduce the proportion of manufacturing turnover to 11%.

Business Counts, Turnover and Employment figures in this green paper are based on the following methodology. These estimates should be treated as a guide only and are subject to a degree of uncertainty, as industry classification codes do not match easily to the sector and some products are not destined exclusively for construction.

Manufacturers were identified using 53 5-digit SIC codes. This manufacturer grouping will also include producers of raw materials used for construction such as building stone. As the construction products industry does not map easily onto SIC codes, assumptions from Adroit Economics were used to weight each SIC grouping, informed by both product descriptions and the value of sales of relevant products from the Prodcom dataset. Business count or employment estimates should be treated with further uncertainty, given that they may not scale linearly with the value of sales.

¹³ Ministry of Housing Communities and Local Government (MHCLG) analysis based on NOMIS data accessed in August 2024, using UK Business Counts in 2023. See footnote 12 for methodology. <https://www.nomisweb.co.uk/datasets/idbrent>

¹⁴ MHCLG analysis based on Nomis, 2023 employment data from Business Register and Employment Survey accessed November 2024. See footnote 12 for methodology. [Business Register and Employment Survey/Annual Business Inquiry – Data Sources – home – Nomis – Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/business-register-and-employment-survey/annual-business-inquiry-data-sources-home-nomis-official-census-and-labour-market-statistics)

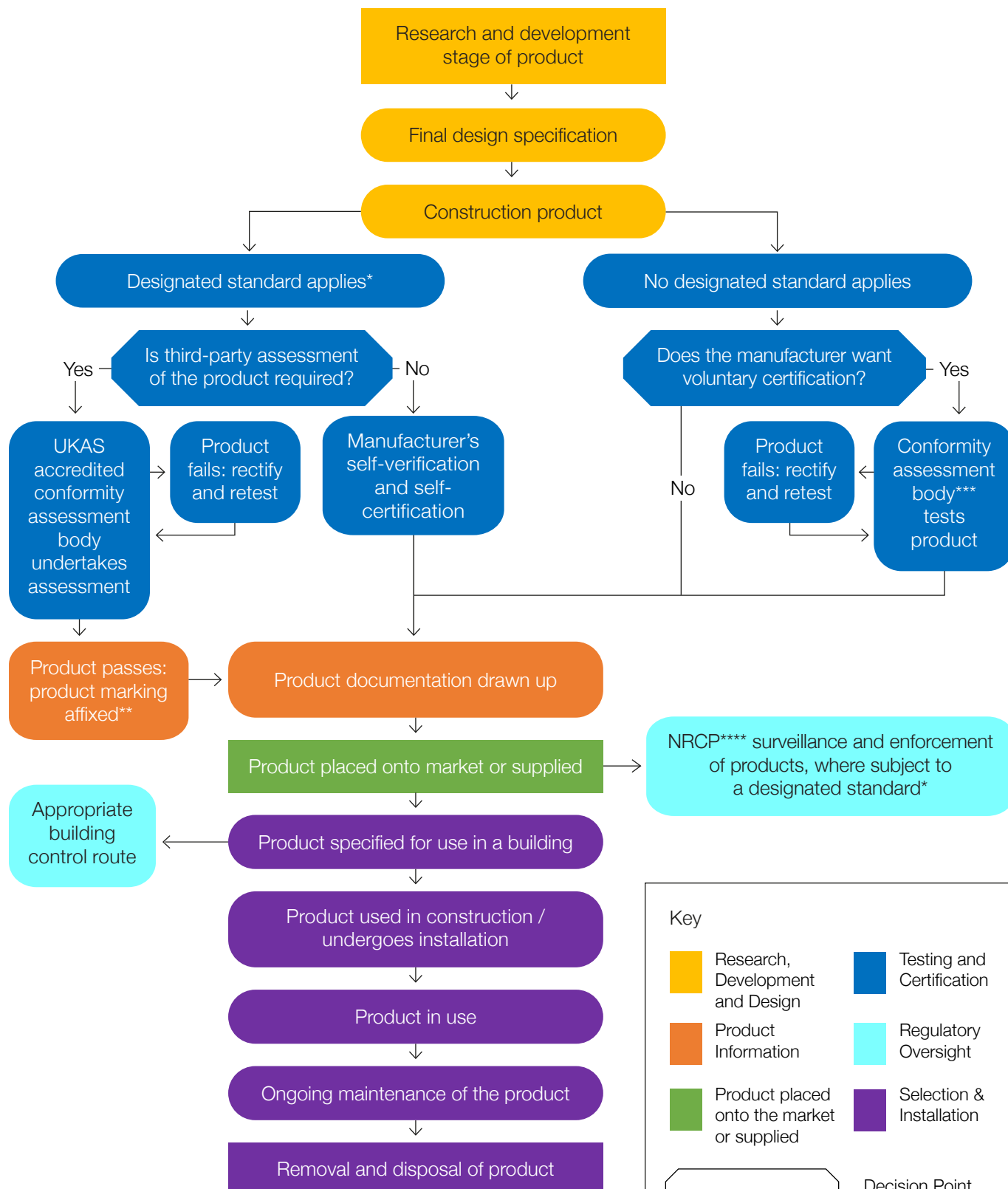
¹⁵ Department for Business and Trade (2024): Construction building materials: commentary December 2024 – GOV.UK. Note that these estimates of the construction products sector will differ in methodology to the MHCLG analysis detailed in footnote 12.

to the Withdrawal Agreement, and again in 2022 to provide the Secretary of State (and consequently the National Regulator for Construction Products (NRCP)), with investigatory, enforcement and prosecutorial powers.

- 1.7. The UK's construction products regulations (retained EU-CPR) are based around powers that apply where there are mandatory standards and technical assessments for products. There are mandatory standards where a standard has been 'designated' by the Secretary of State (to date these have derived from harmonised standards under the EU-CPR) or where a product conforms to a UK technical assessment that has been issued for it. Anecdotal evidence provided to the Morrell-Day Review suggested that these regulations cover no more than one third of all construction products on the market¹⁶, meaning that the remaining two-thirds are unregulated under construction products regulations.
- 1.8. Products which fall under the UK's construction products regulations must undergo an assessment of their conformity to ensure that they fulfil the requirements and characteristics described in the relevant standard or technical assessment. Information is then set out in a declaration of performance on performance against essential characteristics. A UK conformity marking can then be affixed to permit their sale. Product marking therefore demonstrates compliance with mandatory standards or a UK technical assessment. Further, since the UK's departure from the EU, products can continue to be supplied to the UK market without any need for reassessment or re-marking if EU regulatory requirements are met (which are identifiable by the Conformité Européene (CE) mark). Products not in scope of the UK construction products regulations (i.e. those not covered by a designated standard or subject to a technical assessment) are not subject to any regulatory requirements or third-party verification prior to being placed on the market. The manufacturer can however choose whether or not to use a voluntary standard or third-party certification scheme. Regardless of the route to market, once the product is placed on the market it is for the user of that product to consider – using their expertise and experience and following relevant regulations and guidance (such as the approved documents¹⁷) – which product is most suitable for their particular use. These processes are outlined in Figure 1.

¹⁶ Footnote 101 of the Morrell-Day Review notes "The numbers typically quoted are that there are 30,000 products of which about 10,000 are covered by a designated standard, and therefore by the CPR [Construction Products Regulation]. We [Morrell-Day] have, however, been unable to trace any source for those numbers, nor even for what they represent, as the number of products of different purpose, manufacture, specification and dimension must run into the millions. The one-third estimate is therefore taken on trust – but the principle that the number of products covered by the CPR is heavily outnumbered by the number that aren't seems valid."

¹⁷ [Approved documents. Collection, approved documents](#)

Figure 1: Illustrative steps taken for a construction product under the current UK regulatory regime

* Includes products subject to a Technical Assessment that has been issued for it.

** UKCA mark, CE mark, or CE & UKNI mark, as applicable.

***No requirement for the CAB to be accredited or authorised.

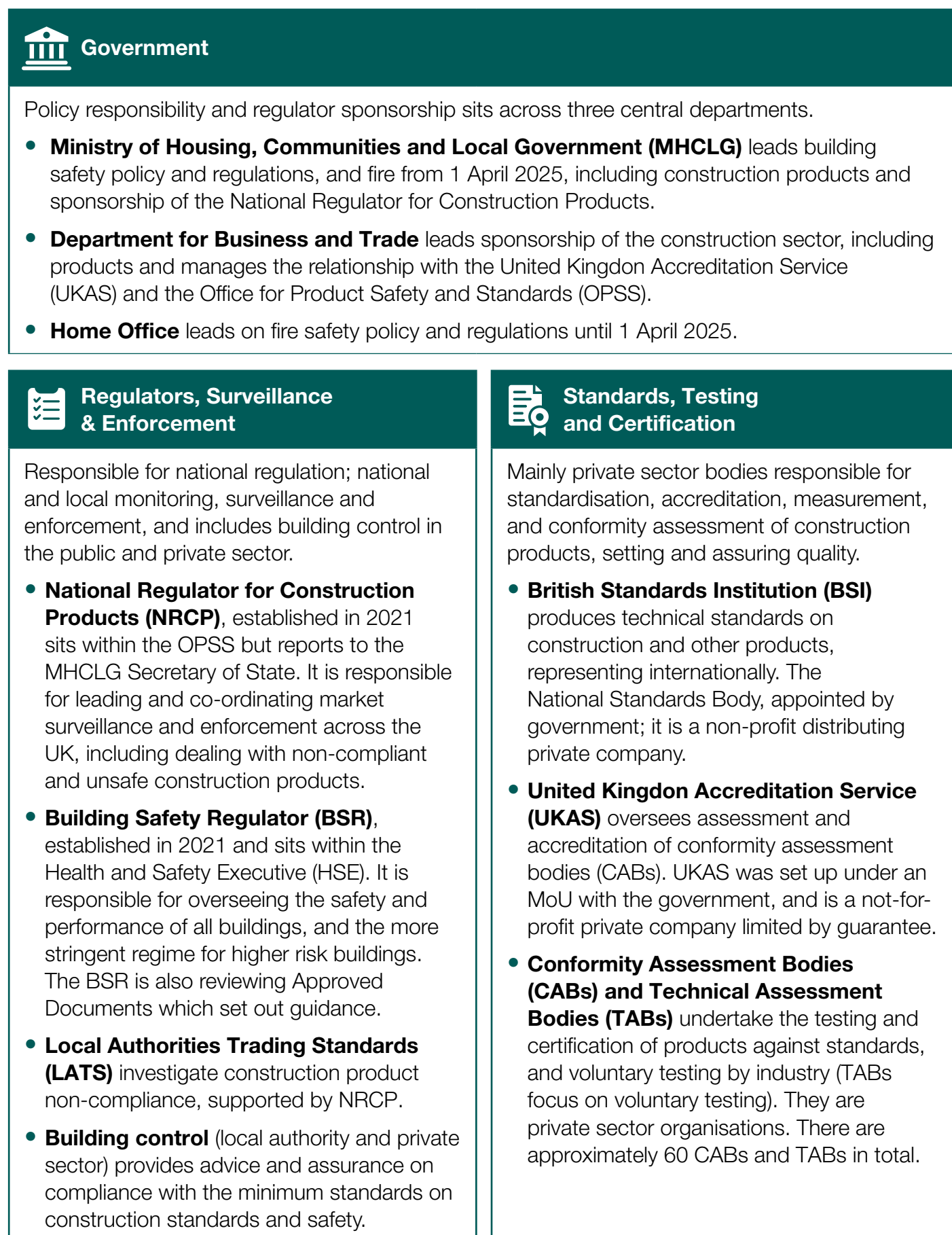
****The National Regulator for Construction Products, based within the Office for Product Safety and Standards. Local Authority Trading Standards also have an enforcement role, although activities are more limited in practice.

- 1.9. This process is underpinned by organisations described as the National Quality Infrastructure. The British Standards Institution (BSI) is the UK's National Standards body responsible for producing national and international standards. It holds a critical position by representing the UK in global standards development organisations¹⁸ and facilitates the production of standards, typically publishing around 3,100 standards annually. The main relationship as the UK's National Standards Body is with the Department for Business and Trade, formally recognised through a Memorandum of Understanding.
- 1.10. Conformity assessment bodies (CABs) undertake testing and certification against these standards to ensure that quality, performance, reliability and/or safety specifications are met before products are placed on the market. There are two categories of CAB under the UK's construction products regulations. 'Approved Bodies' undertake activities for products covered by a designated standard, whereas technical assessment bodies (TABs) fulfil functions in relation to the technical assessment process.
- 1.11. For products falling under the construction products regulations, the United Kingdom Accreditation Service (UKAS) acts as the UK's accreditation body confirming the competence of CABs against international standards, with subsequent approval by the Secretary of State to carry out these functions. It is the only body recognised by the government to do so. In accordance with UK law, accreditation must be operated by a single not-for-profit national accreditation body as a public authority activity. Accreditation also operates within a global framework and internationally, facilitating multilateral agreements. UKAS covers the accreditation of testing and product certification as required by the construction products regulations. In addition, some CABs voluntarily seek accreditation in relation to products or services outside of the regulatory regime. For example, for voluntary product certification and inspection activities used to provide information and assurance.
- 1.12. The NRCP was established in 2021 to lead and coordinate market surveillance to uncover and respond to safety concerns, and to take enforcement action under the scope of existing construction products regulations. The NRCP is based within the Office for Product Safety and Standards (OPSS).
- 1.13. The NRCP works alongside the Building Safety Regulator (BSR), which was established in April 2021 to oversee the safety and performance of all buildings, as well as being the regulator for higher-risk buildings in England. The BSR's role is to promote competence and organisational capability within the sector including for building control professionals, and designers and contractors. It also has responsibility for managing government authorised competent person schemes. Competence in the sector helps to ensure relevant professionals make use of and install construction products appropriately.
- 1.14. Alongside the NRCP, Local Authority Trading Standards (LATS) (and district councils in Northern Ireland) hold responsibility for regulating the sale of construction products. They also have powers to regulate sales under unfair trading and misleading marketing regulations.
- 1.15. The NRCP and LATS have regulatory powers to carry out market surveillance and enforcement to remove non-compliant products from the UK market. These powers are provisioned through the Construction Products Regulations (2013) and the General Product Safety Regulations (2005) (Table 1 and Table 2 below). They allow regulators to investigate and gather information where they suspect a breach of the regulations and to take corrective

¹⁸ Such as the European Committee for Standardisation ([CEN](#)) and the International Organisation for Standardisation (ISO).

action, such as serving a suspension or prohibition notice. They also allow regulators to deliver sanctions and penalties through their prosecution powers. The powers provisioned through the General Product Safety Regulations only relate to products that are intended for, or likely to be used by, consumers rather than products that are used by businesses. Anecdotal evidence suggests that two thirds of construction products are unregulated.

Figure 2: Diagram setting out responsibilities under the construction products regulations and relationships between key regulators/institutions.



1.16. More broadly, the operation of the UK construction products market is shaped by a wide range of consumer protection and other regulations that have a broad scope for trading standards and marketing practices. However, these were not necessarily designed with the range of construction products in mind. Nor do they apply to business-to-business transactions, reducing their applicability for construction products that have a wide target audience, from households to businesses such as tradespeople and housing developers. Annex B provides a non-exhaustive summary of key provisions that affect the construction products sector, including the main provisions such as the Construction Products Regulations themselves.

Table 1: Construction Products Regulations (2013)

1.17. These regulations only apply to construction products that have a designated standard or those subject to a UK technical assessment.

Type of power	Powers
Interventions	Power to serve suspension notice, forfeiture powers, power to serve prohibition notice*, power to serve a notice to warn
Investigation powers	Test purchase, power to search, power to seize and detain, power to inspect, power to enter premises, power to require production of records
Information gathering	Power to obtain information*
Sanctions/penalties	Powers to prosecute

*Powers marked with an asterisk apply to the NRCP only. All other powers are available to both the NRCP and to LATs.

Table 2: The General Product Safety Regulations (2005) (GPSR)

1.18. These regulations apply to products that are intended for, or likely to be used by consumers but not to products intended to be used by businesses. They also do not include those products that are second hand, repaired or reconditioned prior to being supplied or reused.

Type of power	Powers
Interventions	Power to serve suspension notice, forfeiture powers
Corrective action	Requirements to mark, requirements to warn, power to issue withdrawal notices, power to issue recall notices
Investigation powers	Test purchases, power of entry and search, power to order production of documents, power to seize and detain
Sanctions/penalties	Powers to prosecute

- 1.19. The building regulations set performance requirements for most building work and therefore contain rules about how construction products must be used. In England, Regulation 7 of the subsequent Building Regulations 2010 sets out a requirement that building work shall be carried out with ‘adequate and proper materials’ which are:
- Appropriate for the circumstances in which they are used.
 - Adequately mixed or prepared.
 - Applied, used or fixed so as adequately to perform the functions for which they are designed.
 - Applied, used or fixed in a workmanlike manner.
- 1.20. Whilst Regulation 7 applies to all building work, there are limitations to its capacity to create a safer environment. For example, the standards of materials and workmanship need be no more than are necessary to secure reasonable standards of health or safety for people in or about the building.
- 1.21. There are currently 19 approved documents which give more detailed advice for some common situations on how to meet the building regulations set out in the Building Act 1984. Notably, Approved Document A deals with structural performance and Approved Document B deals with fire safety. The approved documents can be found online.
- 1.22. The Inquiry’s Phase 2 Report contains several recommendations concerning the contents and clarity of approved documents, in particular Approved Document B, recommending that “the statutory guidance generally, and Approved Document B in particular, be reviewed accordingly and a revised version published as soon as possible”.
- 1.23. In response to the Inquiry’s Phase 2 Report, the BSR placed Approved Document B under continuous review and work is ongoing in response to the Inquiry’s recommendation. A number of amendments have already been issued since the Grenfell Tower tragedy occurred in 2017, concerning matters such as means of escape and the use of desktop studies to assess product system compliance, to drive safety.

Changes made to the construction products regime

- 1.24. Whilst some changes have been made by government to drive safety following the Grenfell Tower tragedy in 2017, they have been piecemeal and limited:
- In December 2018 regulations banned the use of combustible materials in and on the external walls of buildings including flats, hospitals and student accommodation over 18 metres. This was extended in 2022 to include hotels and hostels.
 - In 2022 a government consultation on Approved Document B considered the national classification of construction products for resistance and reaction to fire, and a call for evidence to inform guidance on materials and products used in external walls. The government’s response, published 2nd September 2024¹⁹ confirmed that, subject to transitional arrangements, national classifications will be removed from Approved Document B. Instead, the more robust, periodically reviewed and internationally recognised European standard will become the sole specification route. Additionally, in response to the feedback provided through the consultation’s call for evidence, further work will be

¹⁹ [Government response – Amendments to Approved Document B: Sprinklers in care homes, and the removal of national classes. Final consultaion response - GOV.UK](#)

undertaken to revise the guidance on materials and products used in external walls, with revised wording to be consulted on as part of the next phase of the technical review of Approved Document B.

- The Building Safety Act 2022 implemented a number of the recommendations from the Hackitt Review. This included powers for three new bodies to deliver oversight of the reformed regime: the NRCP, the BSR, and the New Homes Ombudsman. Central to the construction products regime, the NRCP was established in April 2021 to provide and coordinate market surveillance to uncover and respond to safety concerns effectively, and to take enforcement action under the scope of existing construction products regulations. Amendments to Construction Products Regulations 2013 were laid in 2022 which gave the NRCP, within OPSS, access to the full range of investigatory and enforcement powers to enforce regulations on the Secretary of State's behalf.
- The Building Safety Act also included provision for national oversight of construction products. The Act gives the government a range of powers to create regulations around the marketing and supply of construction products. These powers incorporate three aspects: (a) for construction products on the market to be subject to a general safety requirement; (b) requirements for products which perform to a designated standard or are subject to a technical assessment; and (c) to create a list of safety critical products (where the failure of such products would result in death or serious injury). This green paper considers these powers further as part of wider reforms.

1.25. Change must also be owned and led by the sector – including, but not limited to, manufacturers, specifiers, contractors, developers, standards bodies, testing houses, and funders. There have been some notable initial steps by the sector to address weaknesses and improve safety through self-regulation.

Figure 3: Examples of industry action to date

In response to the review by Dame Judith Hackitt, in 2021 the remit of the confidential reporting system CROSS (Collaborative Reporting for Safer Structures) – run by the Institution for Structural Engineers, the Institution for Fire Safety Engineers and Institution of Civil Engineers – was expanded to cover both fire and structural safety.

Furthermore, the 'Code for Construction Product Information'²⁰, also established in 2021, is an example of an industry initiative to drive higher standards in the accuracy and presentation of information provided with construction products, with an emphasis on safety.

Similarly, organisations such as the UK Certification Authority for Reinforcing Steels (CARES) and the Association for Specialist Fire Protection run, and are developing, new schemes that bring together manufacturers, contractors and testing/certification bodies to raise standards, traceability and competence. Further to this, in 2021 the BSI launched the digital BSI Identify service to provide identification for construction products and store associated product information.

²⁰ Code for Construction Product Information. Homepage, cpicode.org.uk

- 1.26. Procurement legislation has been reformed to enable government to take stronger and broader action in relation to supplier misconduct which we will, where appropriate, utilise to effectively hold organisations to account. The new Procurement Act 2023 allows us to investigate suppliers and, if certain grounds are met, to add their names to a published and centrally managed debarment list, which must be taken into account by contracting authorities across the public sector in awarding new contracts and undertaking new procurements. We are investigating a number of organisations criticised by the Inquiry, using new debarment powers in the Act, to establish whether professional misconduct has taken place. We will make decisions on these organisations at pace.
- 1.27. The Inquiry's Report was clear that 'one very significant reason why Grenfell Tower came to be clad in combustible materials was systematic dishonesty on the part of those who made and sold the rainscreen cladding panels and insulation products'. Against that backdrop across government and industry, action to date is insufficient and has not addressed the systemic issues needed to ensure safe products and their safe use, and facilitate economic growth. When the Inquiry report was published, the Prime Minister also committed to delivering system wide construction products reform, which includes responding to the findings of the Inquiry and the Morrell-Day Review. This green paper is a significant step on the journey.

Chapter 2: An overview of the problems

“It is not possible to identify any single cause of the tragedy; many different acts and omissions combined to bring about the Grenfell Tower fire, although some were more significant than others.”

(Grenfell Tower Inquiry Phase 2 Report, 1.16, page 5.)

- 2.1. The Inquiry presented detailed evidence of a construction products regulatory regime that failed to keep residents safe and which allowed manufacturers to engage in dishonest and manipulative practices with no recourse. The Inquiry further evidenced the persistent, systemic problems within the construction products sector identified in the Hackitt Review the Morrell-Day Review.
- 2.2. This chapter sets out the overarching themes which the Inquiry and these two independent reviews identified and explores key problems within the current regulatory system. It makes clear the insufficient focus on product safety; the limited coverage of the regulatory regime; the lack of competency, rigour and transparency in key institutions responsible for testing and certification of products; the poor product information and facilitation of misleading marketing and false claims; and the insufficient enforcement.
- 2.3. These problems stem from a complex and inadequate regulatory framework. As Dame Judith Hackitt observed, “the system that covers product testing, labelling and marketing is at least as complicated as the entire regulatory system”. They also stem from a culture of indifference, and in some cases dishonesty, towards safety by unscrupulous manufacturers and others. The system’s complexity, opacity and weakness has been exploited by manufacturers seeking to prioritise profits over safety as demonstrated by the behaviours which contributed to the Grenfell Tower tragedy.
- 2.4. Whilst the evidence to the Inquiry and the Morrell-Day Review did identify some examples of good practice from industry it is the government’s view that it is simply unacceptable for this culture to exist in a sector which has such wide impacts on the construction industry and supply chains, and in turn peoples’ homes and livelihoods.
- 2.5. **The systems that should have ensured public safety failed to do so**, and instead allowed unsafe products to be inappropriately used and poorly installed leading to the tragic events at Grenfell Tower, whilst placing families, households and communities across the country at intolerable risk. There is a palpable case for reform of the construction products sector and the regulatory and institutional framework that oversees it to ensure safety sits at the centre, facilitating long term safety and sustainable growth.

The problems in the construction products sector

The existing regulatory regime does not sufficiently support product safety

- 2.6. As originally conceived, the principal aim of the European Union's (EU) Construction Products Regulation (EU-CPR) was to remove technical barriers to the trade of construction products in the European single market, rather than to ensure a focus ensuring the safety of those products. This regime is the basis of the current construction products regulations in the United Kingdom (UK).
- 2.7. Consequently, in some cases where a product standard exists, it can be altogether unrelated to safety. Conformity assessment of products against designated standards or UK technical assessments is therefore not necessarily a guarantee as to a product's safety. For instance, a product may be assessed for compliance with required levels of energy efficiency.
- 2.8. Further, over time, even those standards which do seek to ensure product safety risk becoming outdated through advances in technology. The process to develop new standards is slow and existing standards can be slow to change to respond to concerns. Contributing to the Morrell-Day Review, the British Standards Institution (BSI) estimated that new standards typically take 2-3 years to develop, but this timescale can extend to over 5 years in complex cases.
- 2.9. There is also a common assumption that product markings confirm the safety of the product. That is not the case for construction products: they confirm conformity to a specific standard. The effect is that people seeking to use a marked product could be under a misunderstanding that the mark denotes a level of safety that is not in fact the case.
- 2.10. There have been opportunities for the state to enhance the regime's focus on safety by implementing complimentary measures, for example specifying which product performance (e.g., the fire resistance time period) is required for which intended use(s). Further afield, the German Institute for Building Technology (DIBt) evaluates construction products and provides independent confirmation that a construction product is fit for use in line with German structural works' requirements. No equivalent enhancements have been established in the UK.
- 2.11. Consequently, the current regime does not foster a sufficient focus on safety. It fails to provide key safety information to those selecting and using products, nor does it provide the necessary assurance that products are safe.

The regulatory regime does not cover most construction products

"The most obvious gap in the current system is that only construction products for which there is a designated standard are covered by the Construction Products Regulation."

(An Independent Review of the Construction Products Testing Regime, Paul Morrell OBE and Anneliese Day KC, 7.3, page 19.)

- 2.12. Anecdotal evidence provided to the Morrell-Day Review estimated that two thirds of construction products on the UK market are not covered within the construction products regulatory regime. Products are only regulated under construction products regulations if covered by a 'designated standard' (designated by the Secretary of State following a process involving the BSI, the UK's National Standards body); or, subject to a UK technical

assessment (an assessment undertaken by an approved technical assessment body at the request of a product manufacturer, which becomes mandatory for all manufacturers on publication).

- 2.13. Consequently, there are no minimum requirements that cover all products with the majority out of scope of the construction products regulatory regime.
- 2.14. Additionally, development of new standards is slow, such that many products are not subject to regulatory requirements before being placed on the market. They remain unregulated under the construction products regulatory regime until a standard is designated or a UK technical assessment is issued. The effect is a regime which is not responsive to emerging safety issues.
- 2.15. For those products not covered by the regime, whilst there is some consumer safety protection for business-to-consumer construction product transactions under the consumer protection and general product safety regulations (see Annex B), this does not extend to business-to-business transactions. As such they fall outside the remit of the National Regulator for Construction Products (NRCP).

Insufficient competence, rigour and transparency in the key institutions responsible for the testing and certification of products and in setting standards

“Kingspan’s dishonesty was facilitated, albeit inadvertently, by serious incompetence on the part of two bodies, the BBA [British Board of Agrément] and LABC [Local Authority Building Control], to which the industry looked for confirmation that K15 was suitable for use on buildings over 18 metres in height. Both those bodies, although supposedly independent, compromised their independence by entering into negotiations with Kingspan over the wording of their certificates and agreeing to include language that was inappropriate and in some cases misleading.”

(Grenfell Tower Inquiry Phase 2 Report, Chapter 22, 22.134, page 102.)

“Pressure to acquire and retain customers can all too easily lead such bodies to be less rigorous in their examination of products and materials and enforcing their terms of contracts than could reasonably be expected of bodies acting in the public interest.”

(Grenfell Tower Inquiry Phase 2 Report, 113.21, page 236.)

- 2.16. Conformity assessment bodies (CABs) undertake assessment procedures which should provide independently verified, reliable information on the performance of products. However, the Inquiry’s Phase 2 Report and the Morrell-Day Review demonstrate that this is not always the case. Significant issues identified included a lack of competence, independence, transparency and rigour, alongside an absence of trust, conflict of interest and inconsistency. The Morrell-Day Review recommended that change is needed to “restore the outcome of the conformity assessment process as a public good”. The Inquiry recommends bringing conformity assessment into a single construction regulator.

- 2.17. CABs assess products under a business model where tests are paid for by manufacturers who want to place their products on the market, incurring the risk that commercial pressures can come into conflict with wider public interest considerations. The current regime permits a manufacturer receiving an unsatisfactory conclusion from one CAB the option of resubmitting to another, and another, until they receive the result they want. There is no requirement for past data and information to be shared across CABs, as highlighted by the Inquiry. Further, some manufacturers have been able to test a ‘golden’ sample or system which is not representative of the marketed product. They can then continue to rely on past successful test data when products fail subsequent tests, with devastating consequences in the case of Grenfell.
- 2.18. Further, the Morrell-Day Review identified inadequate testing capacity to meet projected growth and the Inquiry found a lack of competence in key organisations within the testing and certifications processes. This calls into question the reliability of assessments and the consistency of conclusions, as well as their competency and effectiveness in making future assessments without reform.

“UKAS [United Kingdom Accreditation Service] did not always follow its own policies and its assessment processes were lacking in rigour and comprehensiveness. Even when failings were identified they were not properly explored and opportunities to improve were not always taken. The process relied too much on the candour and co-operation of the organisations being assessed and too much was left to trust. UKAS should have taken a more searching, even sceptical, attitude to the organisations it accredited.”

(Grenfell Tower Inquiry Phase 2 Report, Executive Summary 2.52, page 16.)

- 2.19. Additionally, the rigour and comprehensiveness of United Kingdom Accreditation Service (UKAS) oversight was criticised by the Inquiry. As the UK’s accreditation body, UKAS assesses and accredits organisations that provide services including certification, testing, inspection and calibration. This should provide assurance that CABs who carry out conformity assessments are competent, meet the relevant requirement and have been accredited against international standards. This has contributed to an overall focus on process rather than outcomes, with the outputs or quality of a CAB’s work not sufficiently assessed. This has contributed to a lack of accountability for CABs once they have been successful in obtaining accreditation.
- 2.20. The Inquiry’s Phase 2 Report made clear that UKAS’s assessment process was seen to lack rigour and was overly reliant on the honesty and co-operation of the bodies it accredited, both in terms of its accreditation assessments and the implementation of any improvements it deemed necessary. It did not always follow its own policies, failed to apply proper standards for monitoring and supervision and did not always properly explore failings or take action to improve CABs.
- 2.21. Where outputs are a cause for concern, UKAS’s strongest available sanction is to suspend or withdraw its accreditation. Furthermore, for products not covered by the construction products regulations, it is possible for CABs to operate without UKAS accreditation or any regulatory approval.

- 2.22. These issues combined demonstrate a lack of sufficient oversight of the CAB market overall, and the need for reform to ensure assessments are impartial, reliable and their status transparent. The fact that three separate manufacturers were able to obtain misleading certificates relating to their products is evidence of a serious failure of the certification system.
- 2.23. UKAS has made some key steps in addressing the criticism through its ‘PACE’ programme. PACE contains the set of actions that UKAS has instigated following its internal investigations after the tragedy of the Grenfell Tower tragedy and in response to intelligence gathered during the subsequent Inquiry. This is welcome, but we consider that more is needed to fully address the Inquiry’s findings.
- 2.24. The Morrell-Day Review makes a number of recommendations to “strengthen the role of UKAS in the accreditation process”. The Inquiry’s Phase 2 Report subsequently recognised that regulatory reform of construction products needs to address the effectiveness and limited oversight of UKAS, with a focus on bringing responsibilities into a single construction regulator.
- 2.25. With regard to the development of standards, historically, for construction products there has been a lack of clarity about the role of BSI in supporting a safer built environment. There has been a lack of clarity in the government’s ‘ask’ of BSI in relation to the built environment and engagement with government on this agenda has lacked structure. Additionally, there are questions about transparency in the standard setting process and recognition that, because many standards are behind a paywall, those who use them incur a cost including when the standard is mandatory.
- 2.26. In summary, there needs to be an improved paradigm to bolster safety across the testing, accreditation and standard development regimes and associated oversight by the regulator and government.

Existing rules on information required are insufficient and manufacturers have made misleading claims

“Celotex then marketed RS5000 as “the first PIR [polyisocyanurate] board to successfully test to BS 8414” ... BS 8414 is a system test and does not involve the testing or classification of individual products. Celotex deliberately tucked that information away in the small print of its marketing literature.”

(Grenfell Tower Inquiry Phase 2 Report, Executive summary, 2.30, page 11.)

- 2.27. The rules on the information manufacturers must provide with their products are currently primarily focused on supporting trade. The Hackitt Review reported that information on safe and appropriate use of products has been inadequate and that some manufacturers could purposefully seek to make information inaccessible and ambiguous to exaggerate claims when selling their products. The Inquiry found that manufacturers intentionally misrepresented test results, implying that a combination of products had passed tests when they had not, and hiding critical information in small print, clearly at the expense of safety.
- 2.28. Even for the estimated third of products covered by the regulatory regime there is no regulatory requirement to provide information that could be essential to safe use, such as manufacturer instructions on where and how a product should or should not be installed.

- 2.29. Rather, the Inquiry presented evidence that the current regulatory regime is regarded by some manufacturers as a ‘tick box’ exercise. The Inquiry exposed manufacturers prepared to deliberately provide misleading claims in their marketing material for commercial gain rather than safe use.
- 2.30. The combined effect of insufficient product information requirements and the presence of misleading marketing claims is that there is often a lack of clear and accurate information on the performance of products, which in turn hampers the ability of those downstream to make informed decisions on safe products and their safe use.
- 2.31. Additionally, requirements for product information which would enable traceability are lagging behind many other sectors, such as the food or pharmaceutical industries. There are limited information systems to trace products from manufacture to installation and from end location back to manufacturer. This means it is not possible to ensure what is used on site matches what has been assessed for conformity. This lack of traceability means that when things go wrong, as they did so badly in the refurbishment of Grenfell Tower, it can be impossible to identify how and where to rectify issues.
- 2.32. The Morrell-Day Review recommends improvement to rules around marketing, labelling, traceability and the golden thread. The Inquiry’s Phase 2 Report also draws out these inadequacies, which stem from the testing regime and mismarketing of construction products. It proposes bringing responsibilities into the construction regulator along with requirements on industry to provide test results with any product certificate. It also proposes that manufacturers be required by law to provide on request copies of all test results. Furthermore it proposes the development of a construction library, including data from tests on products and materials to support those who design buildings.

Enforcement action is insufficient

“Enforcement has been almost totally non-existent, so that bad actors feel that they can bypass the regulations without consequence.”

(An Independent Review of the Construction Products Testing Regime, Paul Morrell OBE and Anneliese Day KC, 7.3 (6), page 19.)

- 2.33. Within this chapter, we have detailed a regulatory regime for construction products, demonstrating it is severely lacking when it comes to safety, undermining future investment and growth. Effective enforcement should be a key driver for adherence to the requirements which do exist. However, this has also been demonstrably absent.
- 2.34. For the estimated third of construction products on the UK market covered by mandatory standards and therefore construction products regulations, there are limited offences. These are largely related to the declaration of performance. Notably, the Morrell-Day Review was unable to identify any prosecutions under construction products regulations since they were enacted.
- 2.35. The Hackitt Review also identified inadequate regulatory oversight and enforcement tools, finding that “where enforcement is necessary, it is often not pursued. Where it is pursued, the penalties are so small as to be an ineffective deterrent”. This was echoed by the Morrell-

Day Review, which found that “enforcement [of construction products regulations] has been almost totally non-existent, so that bad actors feel that they can bypass the regulations without consequence”.

- 2.36. The lack of regulatory oversight and enforcement and associated lack of monitoring by government have allowed a sector in which enforcement is not expected to happen, generating little deterrent for manufacturers to market and sell unsafe products. The consequence was seen in dishonesty and unscrupulous behaviour of the manufacturers identified in the Inquiry’s Phase 2 Report. It also means compliant parts of the industry feel that they are not competing on a level playing field, undermining investment and the wider economy.

“In our view, there was a lack of effective co-ordination between what were in substance different aspects of a single system, the purpose of which was to ensure that the built environment was safe.”

(Grenfell Tower Inquiry Phase 2 Report, page 225, 29.59.)

- 2.37. The Inquiry also exposed regulation of the construction industry more widely as too complex and fragmented, and demonstrated how this fragmentation was cynically exploited by bad actors. It identified the need to bring regulatory functions relating to the construction industry, including the regulation of construction products, into a single regulator, replacing existing regulatory bodies in the built environment.
- 2.38. Action is needed to ensure sufficient enforcement powers are available to the national regulator and applied effectively to ensure safe products. The establishment of the NRCP in 2021 was an important first step forward in addressing deficiencies in enforcement, as demonstrated by the market surveillance and enforcement activity it has since carried out. But more is needed to ensure the national regulator can successfully deter non-compliance and guarantee safe products, underpinning future growth.
- 2.39. In addition, we want to assess the routes available to support redress where products have failed and ensure that those that have incurred losses due to defective products can effectively seek recompense from the manufacturers of those products.

Conclusion

- 2.40. We have seen through the Inquiry, and the Morrell-Day Review, that the current regime is a fragmented and complex regulatory framework, which fails to ensure safe products, and does not deter or hold to account bad actors who undermine the system. Most importantly and devastatingly, the current regime fails resident, users and communities who should expect safe products in their homes and buildings.
- 2.41. It is imperative that the government acts to reform the construction products system, rebuilding public trust, ensuring a sound foundation on which the homes and infrastructure the nation needs can be built, and creating a level playing field for manufacturers who will be better able to innovate and grow, support a skilled workforce and increase productivity.

Question 1.

Do you agree with this problem definition? [Yes/No].
Please explain your answer.

Question 2.

Are there particular functions that the sector does well that
should be protected or encouraged? [Yes/No]. Please explain
your answer.

Chapter 3: Our vision for reform



“...my mission is not just to build houses, it is to build homes. Because we cannot build at any cost. These new homes must be warm, secure and most importantly safe.”

(Deputy Prime Minister, Labour Party Conference Speech, 22 September 2024)

- 3.1. As set out in Chapter 2, there are significant weaknesses in the system in which construction products have been tested, assured, and made available for sale. This green paper sets out a system-wide approach to support a clear, effective, purposeful regime by following a set of overarching objectives.

Objectives

- 3.2. The following objectives will drive our reforms to ensure they are clear and coherent and deliver on our ambition:

Objective 1: Construction products are safe for their intended use and their normal or reasonably foreseeable conditions of use, and used safely in homes, buildings and infrastructure now and over the coming decades. Users of products, residents and other stakeholders trust that products are safe and can verify this through accessible, clear, comprehensible and transparent information.

The regulations and the institutions that shape the industry and deliver and maintain those regulations must be world class, with a clarity of expectation including a razor-sharp focus on safety, clear oversight focussed on acting in the public interest and effective enforcement.

Objective 2: Manufacturers and other economic operators²¹ act responsibly, enhancing communities and contributing to sustainability.

Industry should be an asset to national and local communities, delivering high-quality, sustainable, and above all, safe products; products that support high-quality housing and development, as well as being a foundation for safe and secure communities. Our reforms will support this by resetting expectations of manufacturers and wider industry, ensuring that all parties take responsibility for safety and are found out and held accountable when they do not. This will support those who comply and enable a level playing field and confidence in the sector. Reforms will also ensure that all players in the sector have the appropriate competence, knowledge and expertise; and actively seek to be skilled in securing the quality and safe design, use and disposal of construction products. Quality products will underpin quality buildings that are safe and function as designed.

Objective 3: The industrial base can grow and innovate, improving productivity and supporting a skilled growing workforce and a growing economy that can support the delivery of 1.5 million safe, high-quality homes over this Parliament, in line with our forthcoming Long-Term Housing Strategy and the 10 Year Infrastructure Strategy.

Our reforms will set a foundation for sustainable growth, productivity and innovation in the sector. Where we can deliver on the commitment to improve safety and minimise trade friction we will do so, including opportunities through consistency with the future regime in Europe. We will also design proportionate regulations where responsibility

²¹ Throughout this green paper we use our proposed definition of economic operator which is detailed in Chapter 5. This includes the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to this Regulation in relation to the manufacturing or remanufacturing of products, including products to be reused, or to making those products available on the market, in accordance with this Regulation. This definition of ‘economic operators’ does not include online marketplaces. We have included explicit reference to potential obligations on online marketplaces where relevant.

and regulatory assurance is commensurate to the risk involved. Following this principle, higher risk products used in situations that are critical to safety should carry greater levels of assurance.

Responsibility for reform

- 3.3. Government must ensure the regulatory and institutional regime for construction products is effective and drives safety and growth, inspiring both public and market confidence. The government is committed to driving this change and to setting the vision, principles and objectives by which reform will be guided. This change, however, must also be owned and led by the sector.
- 3.4. The five sector groups that we identify as critical to delivering the ambition for reform are:
- **Construction product manufacturers** – they know their products better than anyone. Under a new regime, we propose that all manufacturers would take responsibility for ensuring that their products are safe and that users and other stakeholders are provided with clear, accessible information about the safe use of their products.
 - **The construction industry and supply chains** – the industry includes clients and funders, contractors, designers, specifiers and developers. All have an important role to play in raising standards, using experience and expertise to drive competence, growth and innovation and ensuring that products are used appropriately, providing confidence that everyone is playing by the same rules. Companies that do not should expect to see action taken against them. The government has demonstrated its commitment to such companies facing the consequences of their actions via action to ban companies from government procurement. But this intent is broader. Under a new regime, we are proposing that responsibility for safety also applies to a wide range of industry actors, which will likely include: manufacturers, distributors, importers, off – and online marketers, specifiers, designers, developers, contractors and sub-contractors, installers and insurers.
 - **The National Quality Infrastructure** – which includes the British Standards Institution (BSI), United Kingdom Accreditation Service (UKAS), and conformity assessment bodies (CABs) – these bodies should ensure consistency and rigour to the underlying structure of standards and conformity assessment. We propose that under a reformed regime this framework will be strengthened to ensure that when businesses and consumers buy something they can trust that the product being supplied has been tested independently and appropriately, and that the information provided is truthful and can be relied upon. We also consider that there is a need for greater public sector testing and research capacity to support regulatory activity and research safety issues – including new innovative tests that can improve consumer confidence in the regime.
 - **Regulators** – currently, the National Regulator for Construction Products (NRCP) has a principal role overseeing the construction products regulatory regime at the national level, working with Local Authority Trading Standards (LATS). Going forwards the national regulator will require effective and proportionate powers to act where manufacturers and others are failing to meet their responsibilities, supported by improved monitoring and surveillance. The Building Safety Regulator (BSR) regulates the building control profession, oversees compliance with building regulations for higher-risk building work, and has a broader role supporting professionals within the design and construction industry to improve their competence.

- **The government** – which provides overall stewardship of the regime and develops construction products regulation policy. This includes oversight of the regulatory regime and monitoring and assessing system risk, issues and opportunities, and driving forward change where it is needed to further enhance the regime.
- 3.5. In this green paper, we are consulting on potential reforms whilst recognising that they will need the collective commitment and effort of those throughout the industry to bring about the change needed. We will be looking to industry to take responsibility to drive safety outcomes and address shortcomings identified by the independent reviews and the Inquiry. All parties within the sector have a responsibility for this improvement and a stake in the outcomes. This will make sure the reforms achieve ‘real world’ impacts.
- 3.6. **For manufacturers and wider industry**, reforms will mean:
- Taking responsibility to ensure that their products are safe as standard, from design through to manufacture, testing and use.
 - Following regulations and guidance that are clear and effective, and working with regulators and other institutions to ensure requirements are met.
 - Providing clear and honest information about products to support designers, specifiers and installers.
 - A fairer regime, allowing firms that embody safety to compete on a level playing field and with the rest of industry, supporting investment and growth.
 - A stable and consistent framework for reform, supporting investment in growth and innovation.
- 3.7. **For regulators**, reforms will mean:
- Ensuring those responsible for safety are clear on their roles in ensuring safety and deliver on that responsibility.
 - Incentivising good behaviours with clearer accountability, strengthened enforcement and effective sanctions.
 - A clearer regime which can be used to drive a culture of safety across the sector.
- 3.8. **For users and communities**, reforms will mean:
- Being able to trust that the products being supplied have been tested and assured as safe.
 - That the information provided is truthful and can be relied upon to make decisions about safe use.
 - Designers, developers and the construction workforce upskilling to ensure they can apply information from the new construction products regime to building design and construction.
 - A more competent, skilled and productive construction workforce that uses trusted, safe, high quality products to build high quality, safe homes.
 - Strong routes to redress.
 - Homes and businesses that are safer and more secure, providing a foundation for flourishing, strengthened communities and sustainable economic growth that reaches all areas of our society.

- 3.9. All those with a stake in the sector can help drive this change by demanding that products are safe and safely used within the industry, including buyers of products across the private and public sectors.

Overlap with other regulatory regimes

- 3.10. We are aware that other regulatory standards exist in areas that will overlap with policy covered in this green paper, such as the Gas Safety (Installation and Use) Regulations 1998 (GSIUR) and United Kingdom registration, evaluation, authorisation and restriction of chemicals (UK REACH). Some construction products are also covered by other product safety legislation or may be used in specific construction or civil engineering projects which are themselves subject to separate safety legislation. It is not the intention to increase the legislative requirements for business, except where to do so delivers practical and proportionate improvements to the safe use of construction products whilst facilitating sustainable growth. We are keen to understand opportunities to work with the industry and other partners to identify how best to align with other existing regulatory landscapes and, where practical, address where requirements are not aligned and eliminate duplication.

Question 3.

What, if any, other potential overlapping rules, regulations or guidance should we consider when designing the construction products regulatory regime?



Part B:

System reform – a regulatory regime that can be trusted

Part B sets out proposals for system-wide reform of the construction products sector. This reform is designed to address the deep-seated issues with the current regime and to reset the relationship with industry, ensuring actors across the system engage and deliver on their respective obligations to manufacture and install safe products, rebuild public trust and facilitate sustainable growth.

Chapter 3 set out the objectives of ensuring that construction products are safe, that manufacturers and other economic operators act responsibly and that industry can grow and innovate, enabling a growing economy and the delivery of 1.5 million homes over this Parliament. In parallel the European Union (EU) has substantively reformed the EU construction products regime. Naturally we give due consideration to the EU's regime in Chapters 4 and 5, noting that we see many merits to the EU's recent reforms, which align with many of our ambitions for reform.

We also recognise that more is needed to achieve the objectives of our reforms. Most products are outside the regulatory regime derived from the EU regime: Chapter 6 sets out proposals for new regulatory requirements for products not covered by regulations and proposes new requirements to ensure all products are safely used, particularly those critical to safe construction.

Chapter 7 describes measures to ensure product information about safety is clear, accessible, transparent and trustworthy.

Proposals to strengthen the assurance and oversight of testing and conformity assessment are set out in Chapter 8, including making clear the responsibility of testing and certification bodies to act in the public interest.

Enforcement of this new regime is crucial, as is opening up routes to civil redress when things go wrong. Chapter 9 describes how these reforms will clarify roles and responsibilities of the regulators and build the capacity to take action against bad actors.

As set out in our response to the Inquiry, government agrees with the recommendation to create a single regulator for the wider construction sector. We intend to publish a prospectus for reform which will set out a roadmap towards a single regulator, including the transitioning of construction products regulation to the new body. This green paper proposes several new areas in which we would expect the regulator to play a role. In the first instance, to maintain momentum, we would expect the National Regulator for Construction Products (NRCP), currently based within the Office for Product Safety and Standards (OPSS) to take on these new functions. In the longer term, we will consider how to move this role into a single construction regulator, and any implications for the way it will need to function. At this stage, we do not anticipate this transition would significantly impact the core enforcement functions we will require from the construction products regulator. Throughout the document, we therefore generally refer to the construction products regulator ('the national regulator') without specifying which organisation it sits in. This green paper also refers to the role of the Building Safety Regulator (BSR). The Inquiry's recommendation for a single regulator also includes the BSR's current responsibilities. As set out in the government's response to the Inquiry, our regulatory reform prospectus will set out a pathway to transition for both regulators which supports the existing regulatory regime as the foundation to moving towards greater consolidation.

Although safety is paramount, there is also an opportunity to deliver for sustainability. Chapter 10 sets out proposals to align objectives for safety with sustainable growth.

Part B ends by seeking to enhance the evidence base, which will help guide reform in the sector, and by setting out the government's next steps in delivering this reform.

Chapter 4: Interaction with the United Kingdom internal market and the European Union

- 4.1. This chapter sets out the relationship between the United Kingdom (UK) construction products regime and the European Union's (EU) regulatory regime, the UK internal market and the substantive reforms being introduced by the EU. Deciding whether the EU's reforms meet our objectives of safe products and sustainable growth, and the resulting relationship between the UK's position and the future EU regime, is a key determining principle underpinning system-wide reform.

UK's relationship with the European Union construction products regulation

- 4.2. The EU is the UK's largest trading partner for construction products (Department for Business & Trade, 2024²²). The current regime for construction products in the UK is assimilated (retained) EU law and near identical to the regime that applied when the UK was in the EU (see Chapter 1). This benefits UK industry, supporting trade and supply chains, as we are aligned in our regulatory requirements for a subset of construction products. Compliance with the resulting UK regulatory regime is mandatory for those products in scope but this regime only covers products covered by a 'designated' standard or subject to a 'technical assessment' (estimated to be one third of products).
- 4.3. Notably, within the EU, while the EU has competence for setting requirements for placing construction products on the market it is for Member States to define the legal requirements applicable to construction works (i.e., how products are used). For example, Member States may specify which product performance (e.g., the fire resistance time period) is required for which intended use(s). Across the UK, this 'in use' aspect remains a devolved matter.

United Kingdom internal market

- 4.4. Long-standing trading relationships exist between all parts of the UK in respect of labour, capital, goods and services. This is referenced in the UK Internal Market Act 2020²³, which establishes market access, and the principles of mutual recognition and non-discrimination to preserve the ability to trade unhindered in every part of the UK. The established trading relationship between all parts of the UK is also reflected in the UK construction products regulatory regime.

²² DBT (2024). Monthly Statistics of Building Materials and Components January 2024

²³ United Kingdom Internal Market Act 2020. Legislation.gov.uk

Northern Ireland's interaction with the United Kingdom internal market and European Union law

- 4.5. After the withdrawal of the UK from the EU, to preserve its unique dual market access to both the EU market and the UK internal market, bespoke rules apply in Northern Ireland in line with the Windsor Framework. There are two principal aspects.
- 4.6. First, the EU's Construction Products Regulation (EU-CPR) continues to apply to relevant goods placed on the market in Northern Ireland. Second, goods from Northern Ireland to Great Britain benefit from the market access principles set out in the UK Internal Market Act. This means that goods that are present in Northern Ireland or processed in Northern Ireland (i.e., they are 'Qualifying Northern Ireland Goods') can be placed on the market in Great Britain.
- 4.7. The effect is that products on the market in Northern Ireland (NI) that are covered by the EU-CPR must comply with EU rules and then benefit from unfettered access to the Great British market. The fact that a subset of products following EU rules have unfettered access to the Great British market means that any additional or separate provisions in Great Britain would not apply to those products.

The EU's construction products regulation review

- 4.8. The EU is reforming its construction product regime. The European Commission published the revised EU-CPR in the Official Journal of the European Union in December 2024. The review is far-reaching and represents a significant reform to address its view that a single market for construction products is not yet achieved. Its revised objectives include ensuring construction products are safe, improving enforcement and market surveillance, and reducing the climate and environmental impact of construction products.
- 4.9. There is a staggered implementation, with enabling powers (related to the development of standards) having been applied from 8 January 2025. Most articles will apply from 7 January 2026, with an article related to penalties applying from 8 January 2027.
- 4.10. In line with Article 13(3a) of the Windsor Framework and Schedule 6B of the Northern Ireland Act 1998, the reforms will take effect in NI to the same timetable.
- 4.11. The revised EU-CPR retains the key elements of the preceding EU-CPR, setting out requirements manufacturers must meet to place their products on the EU market where they are within scope of the EU harmonised standards or subject to a technical assessment.
- 4.12. However, the review also represents far reaching and significant reform, incorporating measures to enhance the safety of construction products within scope, including:
 - Requiring manufacturers to provide safety information for construction products within scope. This includes providing guidance on how to ensure safety during transport, installation, maintenance, use and deconstruction and the need to outline a product's compatibility if used in a system or kit.
 - An obligation for manufacturers to inform the relevant national authority when a non-conforming construction product presents a risk to health and safety, as well as what corrective action they have taken.
 - An obligation for market surveillance authorities to inform the European Commission and other EU Member States when a product presents a risk. Market surveillance authorities will require manufacturers to take corrective action, so that the products concerned no longer present a risk or are withdrawn from the market.

- 4.13. It also introduces a wider range of new measures and strengthens existing measures, such as:
- Improvements to market surveillance and enforcement, including explicit reference to manufacturers' liabilities, the introduction of powers for national regulators to cover costs and an expanded role for conformity assessment bodies in market surveillance.
 - Establishment of a database of construction products and requirement that all products should have a 'digital product passport' – any relevant information required under the revised EU-CPR will become available via a Quick Response (QR) code.
 - Bringing re-used and recycled products within scope.
 - Expanding those with obligations, to include online marketplaces and fulfilment service providers.
 - More clarity on the future approach to the development of standards through the inclusion of a three-year plan, as well as a mechanism for Member States to communicate product requirements deemed necessary.
 - Additional requirements for placing construction products on the market, such as manufacturers providing information on a product's environmental sustainability and on installation.
- 4.14. Through this green paper we are seeking views on whether consistency with the new requirements being introduced through the revised EU-CPR is the best way to meet our objectives for reform. This would mean applying equivalent rules to the subset of products with designated standards, associated with placing products on the market.
- 4.15. Many of our objectives for reform are mirrored in the revised EU-CPR's objectives, such as: the additional emphasis on making construction products safe and improving the enforcement regime, and proposals to reduce the climate and environmental impact of construction products. Our ambitions to deliver 1.5 million homes over this Parliament, support growth by protecting supply chains, and improve our trading relationship with our largest trading partner for construction products will all be supported through consistency with the revised EU-CPR. Additionally it would reduce friction for UK manufacturers selling into the EU and for those seeking to import products into the UK. Consistency with the EU-CPR is also an effective way to ensure the rules for placing a product on the market in Great Britain remained aligned with rules applying to products in Northern Ireland, further safeguarding the UK internal market.
- 4.16. However, we recognise that consistency with the revised EU-CPR would not meet all the ambitions of our proposed reforms. It would continue to cover only a subset of products and is limited to measures related to placing and making available products on the market. We also need to consider measures for products outside this regulatory regime and measures that guide how all products are used (see Chapter 6).

Chapter 5: Scope and definitions of reform

- 5.1. This chapter describes the definitions we propose adopting to underpin the future regulatory regime. We are considering adopting a number of definitions from the revised European Union Construction Products Regulation (EU-CPR) where this supports our objectives and set out whether and how these might apply across all products, including those to be bought into the regulatory regime. This chapter discusses the implications and invites views.
- 5.2. The following Chapter (Chapter 6) sets out the proposed regulatory requirements on these products, including the proposals to bring all products into the regulatory regime.

Definitions

- 5.3. The revised EU-CPR applies to:
- “...construction products, including used products, and to the following items: (a) key parts of products; and (b) parts or materials intended to be used for products covered by this Regulation, if the manufacturer of those parts or materials so requests.”²⁴
- 5.4. This differs from current regulation by including: ‘key parts of products’ and ‘parts of materials intended to be used for products’ as well as products themselves; and used products.
- 5.5. Including parts of products would bring systems of products (including complex cladding panels) within scope, whether as a product, a “kit” (see below) or as parts of more complex products. The Inquiry made clear that inclusion of systems is crucial for achieving safe outcomes.
- 5.6. Including re-used products (products that are taken from a previous installation and used again, usually for the same purpose in a different building) recognises the market in the United Kingdom (UK) and the government’s commitment to move to a circular economy and to reducing carbon emissions in a safe way (see Chapter 10).
- 5.7. We propose to adopt this definition for reforms to the UK construction products regulatory regime.

Definition of a construction product

- 5.8. Under the current UK construction products regulations a “construction product” is defined as:
- 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.
 - “Kit” means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works.

²⁴ Regulation (EU) 2024/3110. [Eur-lex.europa.eu](https://eur-lex.europa.eu)

- 5.9. If we are consistent with the revised EU construction product regime, the definition for products would be as follows:
- “Any formed or formless physical item, including 3D printed products, or a kit that is placed on the market, including by means of supply to the construction site, for incorporation in a permanent manner into construction works or parts thereof with the exception of items that need first to be integrated into a kit or another construction product prior to being incorporated in a permanent manner into construction works.”
 - “Kit” means a product placed on the market by a single economic operator as a set of at least two separate items, none of which needs to be a product itself, intended to be incorporated together into construction works.
- 5.10. We propose developing a definition for construction products that is consistent with the definition in the revised EU regime (above). We intend that this definition covers a broad range of items that could be considered products; whether they are simple items, or modules, systems or assemblies made from several component parts (which may or may not be products in themselves). We propose the definition also allows for consideration of used products and custom-made products.
- 5.11. We also intend that the definition makes accountability for safety clear. This is particularly important for complex products where components may be produced by different manufacturers. And we are keen to ensure the regulations capture large-scale external cladding systems that were previously not clearly defined in the regulatory regime, driving product safety. We want to ensure sufficient regulatory requirements and oversight for products:
- When placed on the market as a single, yet complex product.
 - As a “kit” comprising multiple separate components, whether produced by separate manufacturers but combined and placed on the market by an economic operator.
- 5.12. While we want to ensure we capture a broad range of simple and complex products, we also want to ensure there is no undue overlap or double regulation, including with building regulations. This is particularly important for buildings fabricated through modern methods of construction (MMC). We will work with the sector to ensure this is the case. In doing so, the approach will also reflect the recommendation in the Morrell-Day Review to strengthen understanding and application of testing products assembled into systems.

Definition of construction works

- 5.13. “Construction works” is defined in the revised EU-CPR as:
- “...buildings and civil engineering works whether over or in the ground or water, including but not limited to roads, bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, waterways, and installations which are the bases for the rails of railways”.
- 5.14. Inclusion of products used in all buildings and civil engineering works, as set out in the revised EU-CPR, would continue the approach in the UK’s current construction products regulations. Whilst there are notable differences in the way buildings and civil engineering works are commissioned, designed and constructed, there is often no difference between products used in buildings and those used in civil works. There must be an expectation

that they perform safely in different intended uses. We therefore propose to continue including products destined for building and civil engineering works within the reformed regulatory regime.

5.15. We also intend to include only those products intended for permanent fixture in the construction works, as demonstrated in the table below.

Table 3: Examples of products in scope

Example	Description	In or out of scope?
Roof tiles	Placed on the market specifically for use as a permanent fixture in the construction works, which may be replaced within the lifetime of the building.	In scope
Electric hand driers	Placed on the market for use in buildings, but not as a permanent or temporary part of the construction works. Its installation is a design feature and not a requisite part of the construction, refurbishment or maintenance of the structure.	Out of scope

- 5.16. In summary, we propose the definition of construction products in our reformed regime is broad and captures:
- All products that are likely to be used for construction purposes (including maintenance, refurbishment, or retrofit, in buildings and infrastructure) regardless of whether they are also likely to be used for other purposes.
 - Products that are available to trades, consumers, or both.
 - All products that have been made available on the market and products that have been custom-made for the consumers of those products.
 - Products that are intended to be fixed, meaning they cannot be unhooked, unplugged or similar as part of a building or structures.
 - Products that are made up of multiple individual parts, which may or may not themselves be products in themselves, including prefabricated units developed through MMC, and including systems of products.
 - Products that have been manufactured and also those supplied in raw forms such as sands and aggregates.
 - Products that have been recovered from previous structures to be re-used or recycled as construction products, for consideration on a case-by-case basis.

Question 4.

Do you agree that the UK should adopt a definition that is consistent with the revised EU-CPR, for construction products in the UK regulatory regime? [Yes/No]. Please explain your answer.

Question 5.

Is there a need to further clarify the regulatory approach to systems of products and or Modern Methods of Construction [Yes/ No]. Please explain your answer and propose any additional clarifications.

Definition of a safe product under the general safety requirement

- 5.17. To bring all products into the regulatory regime (and not just those covered by a designated standard or technical assessment) reforms include proposals to establish a general safety requirement (see Chapter 6).
- 5.18. The concept of a general safety requirement for construction products was introduced through Schedule 11 of the Building Safety Act 2022. This defined a “safe product” as one that “under normal or reasonably foreseeable conditions²⁵ of use... (a) the product does not present any risk to the health or safety of persons, or (b) if it does, the risk is as low as it can be compatible with using the product”.
- 5.19. The revised EU-CPR includes an expanded definition of a product presenting a risk as:
- “...a product that, whenever during its entire life cycle, has an inherent potential to affect adversely the health and safety of persons, the environment or the fulfilment of basic requirements for construction works when incorporated in those works, to a degree which, taking account of the state-of-the-art, goes beyond what is considered reasonable and acceptable in relation to its intended use and its normal or reasonably foreseeable conditions of use”.
- 5.20. We recognise the value of a consistent definition across all construction products. As such, we propose consistency between the definition of ‘safe’ under the general safety requirement with the concepts used in the definition of ‘a product presenting a risk’ in the revised EU-CPR. This would ensure a consistent approach across the regulation of construction products.

Definition of who should be responsible for safety

- 5.21. The Inquiry’s Phase 2 Report demonstrated the need to be clear in law who has responsibility for safety. Throughout a product’s life cycle, a wide range of individuals and organisations have influence on the safety of products and their safe use. This includes, but is not limited to, manufacturers, distributors, importers, authorised representatives, off – and online marketplaces, specifiers, designers, developers, contractors and sub-contractors, and installers. Construction products can also reach an end-user in several ways, including: (1) a manufacturer of the product placing the product for sale on the market, (2) a distributor placing the product on the market, and (3) a product user importing the product or creating their own product for their own use.

²⁵ Paragraph 2(3) Schedule 11 Building Safety Act 2022 states “‘reasonably foreseeable conditions’ include reasonably foreseeable circumstances in which the construction product might come under stress (for example, a fire)”.

- 5.22. Not all construction products are bought/sold, they can also be manufactured as needed by developers and designers, such as through 3D printing or laser-cutting components. We intend that the regulations apply to all those in the product's life cycle who reasonably have responsibility for safety. We want to understand the varied users and routes of construction products and to explore where new duties should apply (see Chapter 6).
- 5.23. In the revised EU-CPR, those subject to the regulations and therefore legally responsible for safety are called “economic operators” and defined as:
- “...the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to this Regulation in relation to the manufacturing or remanufacturing of products, including products to be reused, or to making those products available on the market, in accordance with this Regulation.”
- 5.24. The revised EU-CPR also places separate obligations on online marketplaces.
- 5.25. We consider that the definition of economic operators captures all those who have a part to play in delivering the government's objectives and are therefore proposing that we align with this definition. However, we are keen to test whether there are other entities in the supply chain who should have responsibilities for the safety of construction products and who should be explicitly noted in a definition and covered by regulation.

Installing Products

- 5.26. In reforming the construction products regulatory regime, we also propose including measures that apply to products at the point of selection and installation (see Chapter 6). This would allow measures that embed levels of accountability to parties throughout the delivery chain, including principal designers, contractors and installers, enabling a larger degree of scrutiny and reducing the likelihood of regulatory gaps or loopholes. Responsibilities associated with the use or running of buildings or infrastructure are out of scope of reforms.

Question 6.

Does the proposed definition of ‘*economic operator*’ capture all of those who are responsible for ensuring that products are safe when they are placed on the market? [Yes/No]. Please explain your answer.

Chapter 6: Product requirements – a regulatory approach based on safety risk



- 6.1. This chapter details how we will bring all products within scope of the regulatory regime and how they will be regulated. It explores options and proposals to ensure that products are safe for their intended use and their normal or reasonably foreseeable conditions of use. The chapter explains how products will be regulated and accompanied by information that businesses and consumers can access, understand and trust. It reflects where we propose that consistency with the European Union (EU) can support safe products,

whilst also recognising the limits of the new EU regime. Illustrative ‘product journeys’ which seek to visualise the key steps of how the proposals could work are included to support understanding.

Product requirements overview

- 6.2. The overall aim of construction products reform is to ensure products are safe and used safely, manufacturers and other economic operators act responsibly, and our industrial base can grow and innovate. In pursuit of those objectives, this chapter proposes measures to regulate how products are placed on the market and how they are selected and installed. These measures are summarised below:

A: For products not covered by a designated standard or subject to a technical assessment: A risk-based general safety requirement would apply. This would require the economic operator to understand, and take proportionate action to eliminate or control, any safety risk connected to the intended use and the normal or reasonably foreseeable conditions of use of their construction product before it is supplied or placed on the market.

B: For products covered by a designated standard or subject to a technical assessment: It will continue to be mandatory to comply with a designated standard or technical assessment and to provide the necessary information to demonstrate compliance, including affixing a product mark. Given the domestic benefits to industry of a consistent approach, we are proposing a starting position of consistency with the requirements of the revised European Union Construction Products Regulation (EU-CPR), which includes new obligations to provide safety and installation information.

C: For products classified as critical to safe construction: We are proposing that additional measures would apply, including that all such products be covered by a national or recognised standard and requirements to support safe installation.

- 6.3. Building on this, we want to test proposals to implement proportionate safety requirements which would apply to the selection and installation of all construction products. The intention would be to make sure that those responsible for construction works only specify, select and install construction products that create a safe building.

A: Products not covered by a designated standard

- 6.4. In this section we are seeking views on proposals to bring all products within scope of the regulatory regime. We propose adopting the principle of a risk-based general safety requirement for construction products not covered by the construction products regulations or other safety regulations. The Morrell-Day Review was clear in its support of this principle and we accept the review’s recommendation to introduce a general safety requirement to bring unregulated construction products into the regime “in an effective and proportionate way”.
- 6.5. We propose that general safety requirements are placed on those economic operators placing or making available a construction product on the market, i.e. manufacturers, distributors, fulfilment service providers, importers, off and online marketplaces.
- 6.6. Obligations would be designed with an expectation that manufacturers should take the necessary action to understand, and eliminate or control, any safety risk connected to the intended use and the normal or reasonably foreseeable conditions of use of their construction product before it is supplied or placed on the market. It is not expected that the manufacturer

considers every conceivable risk. Rather, this is about making a reasonable assessment of the potential safety risks of the product's intended use and its normal or reasonably foreseeable conditions of use. For example, it would be reasonable for a manufacturer to understand the safety risks associated with manufactured medium-density fibreboard (MDF) which is intended to be used in non-load bearing construction applications. We envisage that safety can be achieved by establishing the following obligations:

A: Assessment of risk: Manufacturers would follow a process of assessing risk by identifying safety hazards associated with the intended use and the normal or reasonably foreseeable conditions of use of the product. They could then make an informed judgment of the likelihood of such hazards and be required to take reasonable, proportionate action to eliminate or control that risk.

B: Oversight: The national regulator would provide support and advice, including guidance setting out the principles against which the assessment of safety risks would be conducted by the manufacturer. Importers and distributors may play a role in ensuring such assessment has been completed. In this scenario, manufacturers could demonstrate how they have taken proportionate risk reduction measures and that product performance claims are appropriately and accurately evidenced. The intention would be for this to be a continuing process rather than a one-off exercise, embedding a genuine understanding of risk control and mitigation throughout the life cycle of the product (see also Chapter 9 for the role of the national regulator).

C: Product labelling and product information: Manufacturers would be required to provide appropriate and clear information about the intended use of a product, the risks associated with the construction product and any necessary installation advice. They would also be required to label products with their trademark and company details to enable traceability. Such requirements would create a legal duty for manufacturers to be transparent about the properties of the products they sell, mitigating the risks of intentional opacity by manufacturers, such as the behaviour identified by the Inquiry. Importers, distributors, fulfilment service providers and online marketplaces could also play a role in making sure the manufacturer has provided the appropriate information ensuring the existence of safety information. The goal would be to create a more consistent requirement for product information, labelling and traceability.

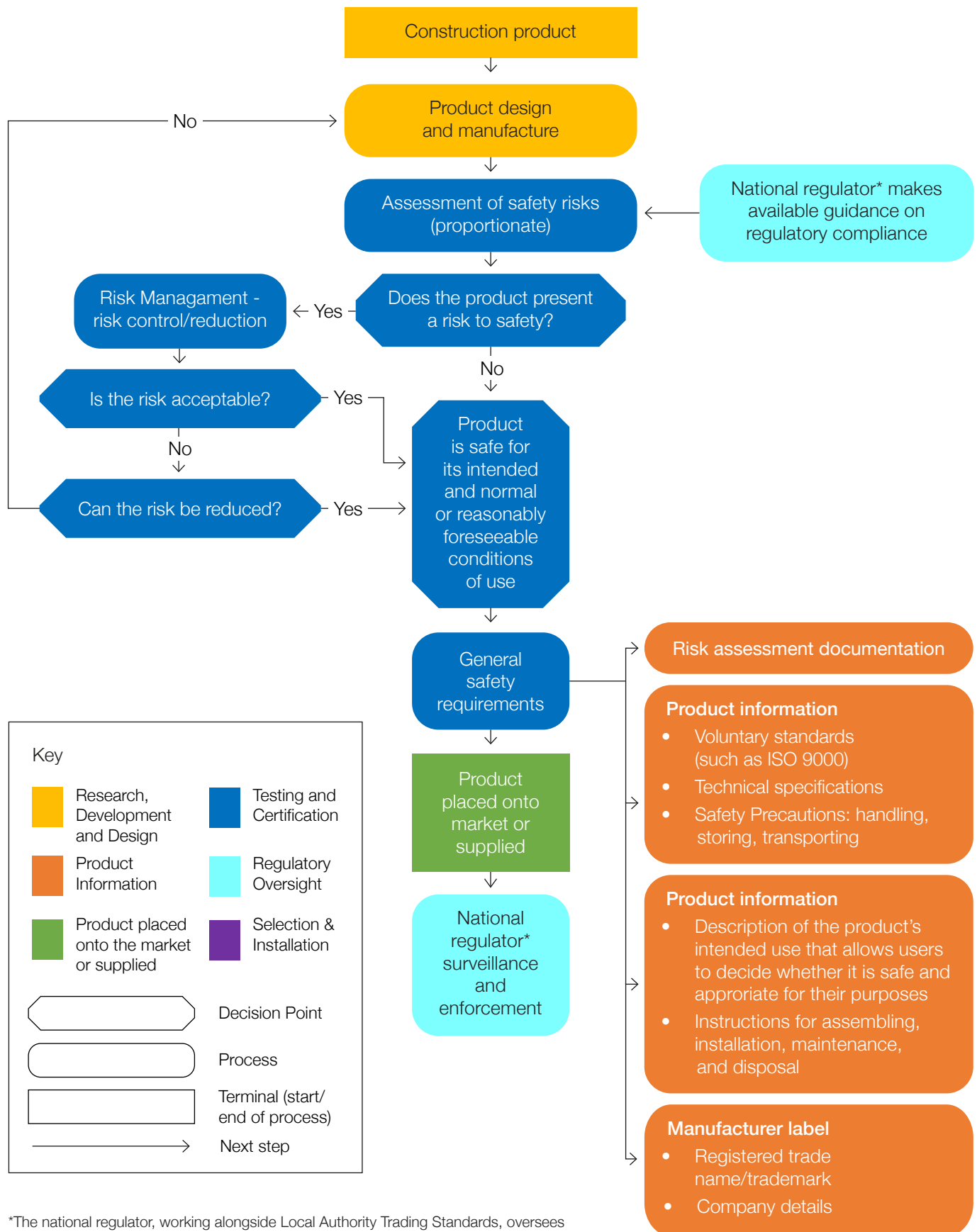
D: Storage and transportation: In certain circumstances importers and distributors would be deemed responsible for storing and transporting construction products in a manner which protects the product from being degraded or damaged, where this is needed to mitigate any consequential safety risk when the product is used.

Question 7.

Would the approach detailed above enable a proportionate approach to regulating the safety of products not covered by a designated standard or subject to a technical assessment? [Yes/No]. What other approaches could be taken, drawing on evidence from EU Member States where relevant.

Question 8.

What are the implications, if any, that could arise from introducing obligations on importers and distributors to check product information and associated responsibility for the storage and transportation of construction products under a general safety requirement? If there are any implications how could they be mitigated and managed?

Figure 4: Steps required under the general safety requirement

*The national regulator, working alongside Local Authority Trading Standards, oversees compliance with performance, information and labelling requirements for products when they are placed and available on the market.

See Figure 6 for steps required to ensure safe selection and installation of construction products in line with the duty on principal designers, principal contractors and installers.

B: Products covered by a designated standard

The United Kingdom government's approach to new or revised standards

- 6.7. As detailed in chapter 4, the EU-CPR reforms introduce new regulatory obligations that support safety. The revised EU-CPR introduced requirements on economic operators to consider the risks associated with the construction product and to provide information about potential safety risks. They also introduce new systems for the assessment and verification of products, which seek to more precisely and comprehensively determine the tasks of manufacturers and notified bodies under different possible assessment and verification systems.
- 6.8. Reflecting the government's intention for consistency with the revised EU-CPR regime where this meets our objectives for safe products, manufactured and used responsibly by industry in a way that supports innovation and growth, the plan is to maintain consistency with relevant new and revised European product standards that come into force. This includes consistency with the new assessment and verification systems, which can help to address issues with the existing systems as identified in the Morrell-Day Review. To underpin this, the designation of new standards will be considered on a case-by-case basis, with the expectation of consistency. The practical effect will be that, for products in scope of the revised EU-CPR, the same mandatory standard will apply whether placing the product on the EU market or the United Kingdom (UK) market. This will support domestic industry and the movement of goods, facilitating growth, and safeguard the UK internal market.

Technical assessment

- 6.9. Alongside designated standards, the current regulatory regime provides a route for products that are not fully covered by a designated standard through preparation of a United Kingdom Assessment Document (UKAD). This currently enables products to be affixed with a United Kingdom Conformity Assessed (UKCA) mark. UK technical assessment bodies (TABs) issue the UKAD.
- 6.10. Once a UKAD has been adopted, its use, and subsequent product marking by the manufacturer, becomes mandatory. The process provides manufacturers with a route to enable them to affix their product with a UKCA mark. Technical assessment by a qualified, approved TAB could play an important role in enabling performance to be declared against consistent assessment criteria through an independent performance assessment, where the product is not subject to a designated standard.
- 6.11. TABs operating in the EU are obliged to establish an over-arching organisation (the European Organisation for Technical Assessment (EOTA)) to coordinate the European technical assessment procedure. Following the UK's departure from the EU, the construction products regulations made provision for UK TABs to establish their own separate body to facilitate the coordination of UK procedures. However, no UKADs have been adopted since the UK left the EU, and there are far fewer TABs in the UK compared to EOTA, with a resulting lack in the range of expertise in the UK.
- 6.12. UK TABs can continue to draw on EOTA documents for their assessments and there is an agreement in place to enable them to become observers of EOTA²⁶. However, UK TABs' involvement in these processes, and access to key documentation, remains limited.

²⁶ Brexit info: EADs will continue to be valid as a basis for UKTA/UKCA. [Eota.eu](https://eota.eu)

- 6.13. The European regime for technical assessment is changing under the EU's reforms. For example, as will be the case for standards, the product information that must be declared with a technical assessment has been expanded, including requiring information about a product's environmental sustainability performance over its life cycle.
- 6.14. We are of the view that the technical assessment process can have an important part to play in the future regime and agree with the Morrell-Day Review that it can provide a route to market for innovative products. We would like to hear views from TABs, their customers and more widely about their future role and how this could support delivery of our objectives for reform.

Question 9.

What role should technical assessment play in a future regime?

C: Strengthening obligations on products critical to safe construction, that carry greatest risk

- 6.15. The proposals set out earlier in this chapter would ensure that all products would, for the first time, be brought within scope of the regulatory regime when being placed on the market. To fully deliver our objectives we consider that additional measures are required to strengthen safety requirements on products where there is a risk of serious harm if something goes wrong. The Morrell-Day Review proposed that this focus should be not on "safety-critical products" in the abstract, but rather on "products critical to safe construction." We accept the recommendation that there should be an increased focus on products critical to safe construction.

Classification of 'critical to safe construction'

- 6.16. We consider that products in this category would be those where there is a risk of serious harm if something goes wrong. Any such products would be subject to specific regulatory requirements and/or referred to in regulatory guidance.
- 6.17. We are proposing that determining products or systems critical to safe construction would be for the national regulator, supported by independent expert advice (see chapter 7). We consider that the list of such products should be able to incorporate individual products or systems of products, so are seeking views on this. Examples of where the initial focus for this category could include areas such as wall systems and fire doors.

Requirements

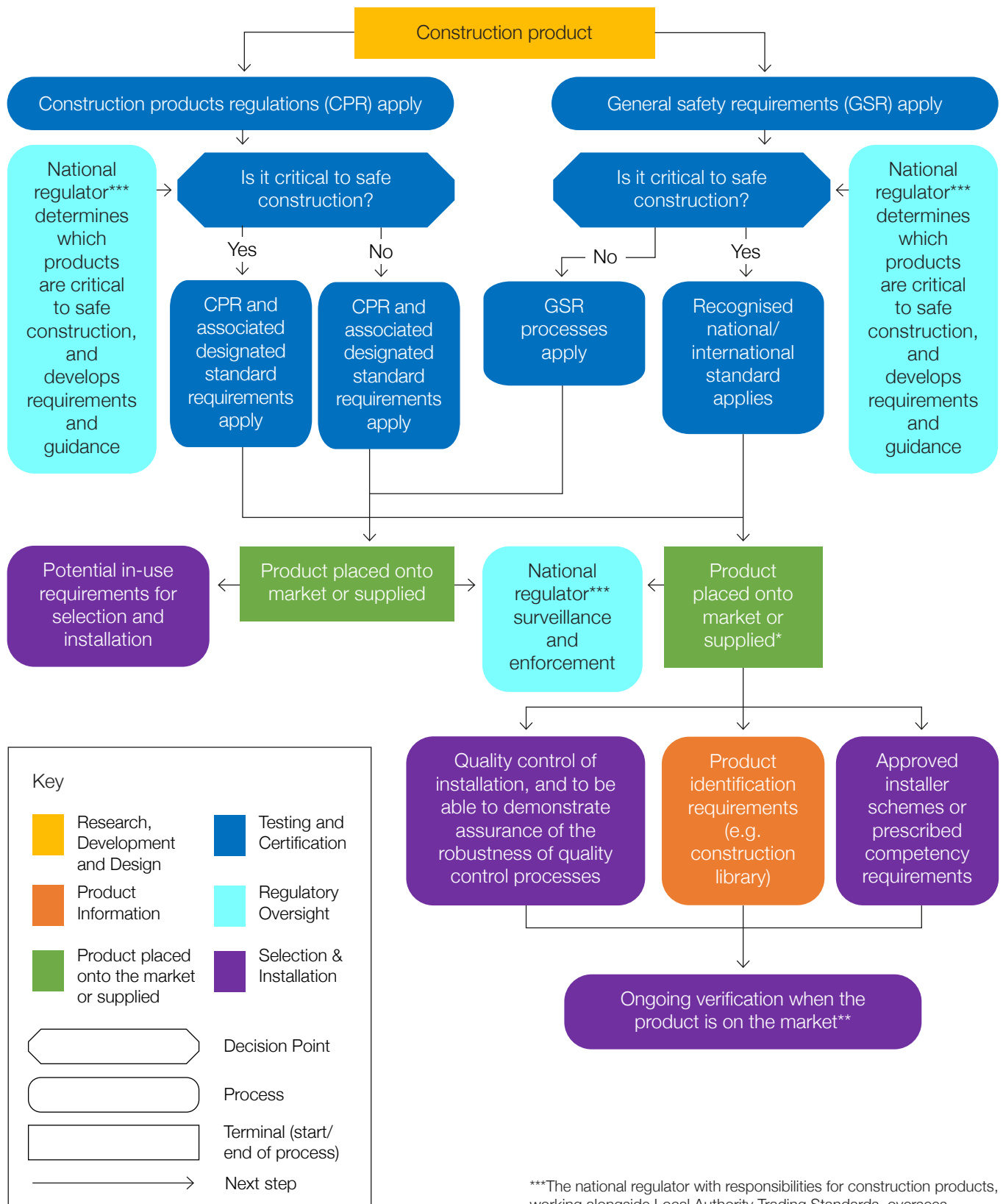
- 6.18. We expect any products critical to safe construction to comply with a recognised international or national standard, or a recognised third-party verification scheme, in order to be placed on the market. This would be expected to include processes to ensure continuing performance in compliance with the assessed standards and the manufacturer's declaration when the product is on the market. We anticipate that any such standard would be a regulatory requirement or referenced in statutory guidance.
- 6.19. The Morrell-Day Review noted that the safety of products in construction is dependent not only on the performance of an individual construction product, but also how they are put together with other products and installed. We agree and are seeking views on the following requirements in relation to installation:

- That products must be subject either to approved installer schemes or prescribed competency requirements.
- Duties on supervisors overseeing installation on site, to undertake quality control of installation, and to be able to demonstrate how they provide assurance of the robustness of quality control processes (for example, by putting in place random sample checks).
- Product identification requirements to make sure there is a digital record of where products critical to safe construction have been installed, that is available to all relevant parties, potentially via the construction library (see Chapter 7).

Question 10.

What requirements should apply to products and systems that are critical to safe construction?

Figure 5: High-level overview – steps required for products identified as critical to safe construction



*Expectation test results to be made available on the construction library.

**Ongoing verification of the product's compliance with the standard and manufacturer's declaration when the product is on the market.

***The national regulator with responsibilities for construction products, working alongside Local Authority Trading Standards, oversees compliance with performance, information and labelling requirements for products when they are placed and available on the market. After this, compliance of product selection and installation with the building regulations is overseen by building control (see 9.19 - 9.32). See Figure 6 for steps required to ensure safe selection and installation of construction products in line with the duty on principal designers, principal contractors and installers.

Strengthening obligations on how products are selected and installed for all products

- 6.20. The Inquiry's Phase 2 Report demonstrated the importance not only of safe products, but also their safe specification, selection and installation. The Inquiry identified a lack of competence and/or due regard for safety across a number of organisations working on the Grenfell Tower's refurbishment, including architects, the principal contractor and installers, highlighting the need to expand the scope for responsibility for safety to include a broader range of professions.
- 6.21. We consider that additional measures on those responsible for specifying, selecting and installing construction products would play a part in making sure only appropriate and safe products are used in construction works.
- 6.22. To complement the proposed obligations concerning the installation of critical to safety products, we are therefore also considering how to strengthen requirements on those responsible for specifying, selecting and installing all construction products.
- 6.23. In the case of buildings, currently the building regulations (regulation 7) in England and Wales regulate the use of building materials, but only focus on the adequacy of materials used and installed, rather than on the safety of the construction product being used.
- 6.24. Views are therefore invited on the types of obligations that could be placed on persons responsible for building works (for example principal designers, principal contractors and installers). The intention would be to make sure that they only specify, select and install construction products which are safe, during the design and build stage.
- 6.25. Those who procure construction products would be reliant, to some extent, on the information provided by the manufacturer, to be able to meet and demonstrate that they are complying with any obligations. Consequently, obligations on those procuring products could help drive up the quality of information and installation and labelling requirements under designated standards and general safety requirements. The implication is that demand would increase for those products which provide safety information such as the production of a risk assessment, technical safety information, and installation instructions for the construction product.
- 6.26. We are also considering how we can apply safety to the use of construction products in civil engineering works to complement these regulatory reforms.

Question 11.

What types of requirements could be placed on those responsible for building works to enable them to meet safety obligations in relation to the specification, selection and installation of construction products?

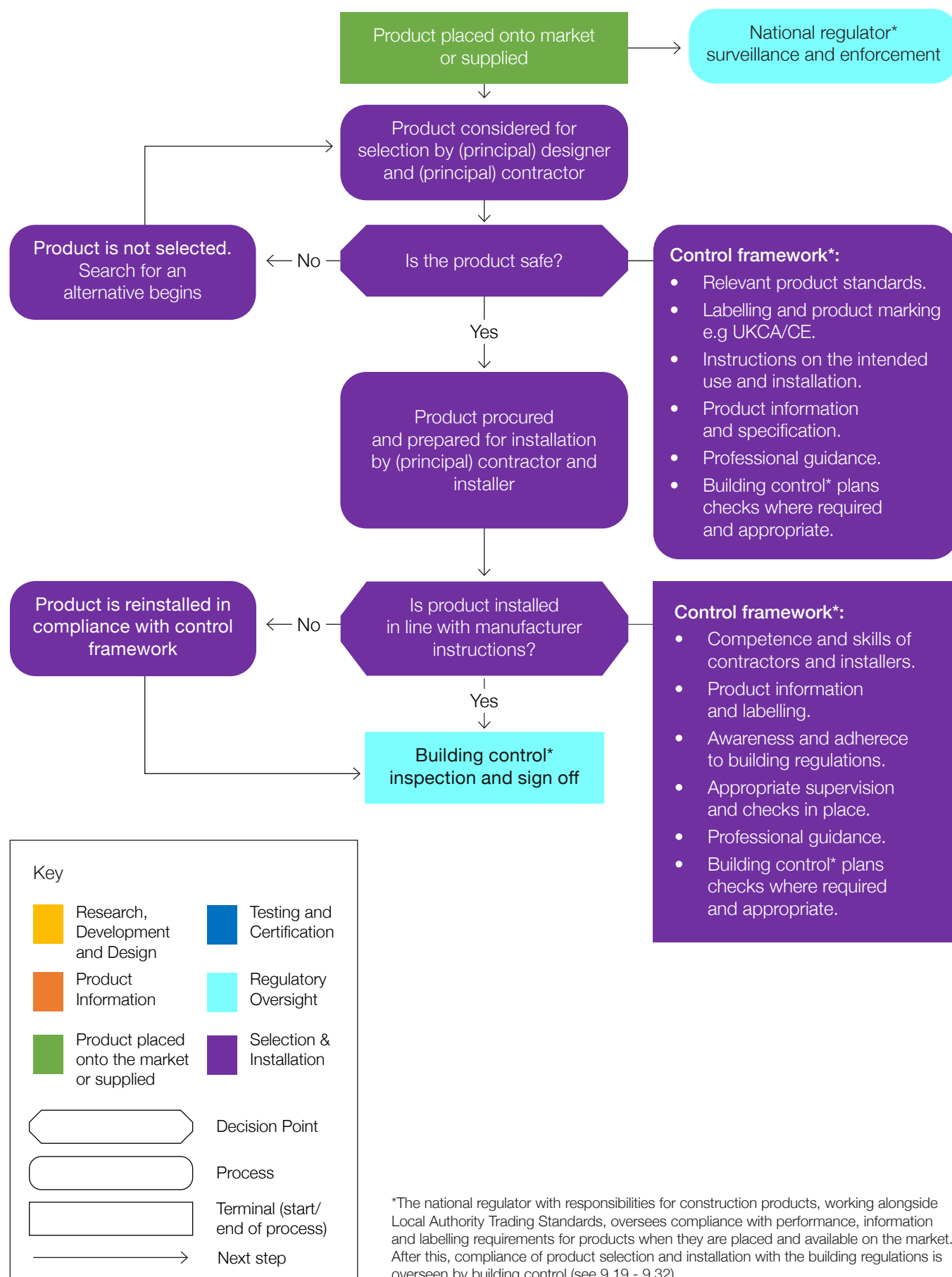
Question 12.

What, if any, significant implications are there from implementing safety requirements for the specification, selection and installation of construction products and how could they be managed?

Question 13.

What other regulatory regimes and measures exist to support the safe installation of products in civil engineering works? Are there any duplications or gaps?

Figure 6: High-level overview – steps required to ensure safe selection and installation of construction products in line with the duty on principal designers, principal contractors and installers



Voluntary routes for placing products on the market

6.27. Alongside mandatory standards and general safety requirements, there are a range of voluntary standards and third-party certification schemes which are used across the industry. This section explores potential new measures in relation to these.

Voluntary standards

- 6.28. Voluntary standards can be used to demonstrate that a system or product can meet the relevant performance classification as set out in statutory guidance (the approved documents). They are also used to support claims of performance and suitability of a product for certain uses.
- 6.29. The Morrell-Day Review sets out that standards can broadly be grouped into three categories. The first is ‘Regulatory construction product standards’ which are the mandatory standards that come under the construction products regulations. Secondly, ‘Advisory performance standards’, which are standards that may be used to demonstrate compliance with functional parts of other regulations, such as compliance with approved documents. Finally, the Review refers to ‘Industry standards’, which have no regulatory basis.
- 6.30. We believe that any claim about a product’s performance must be supported by clear evidence to ensure clarity around product safety and its safe use. This is further explored in Chapter 7.

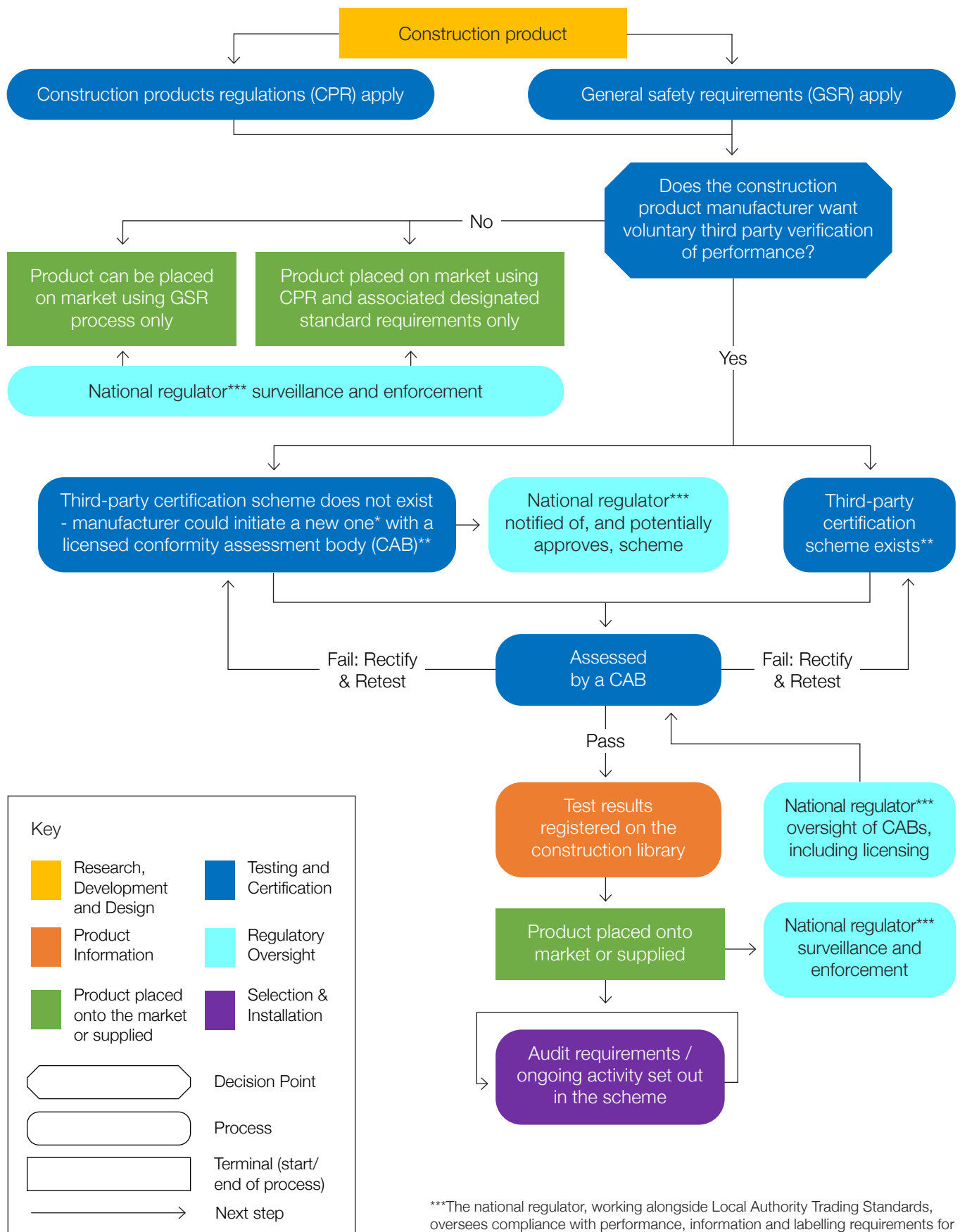
Third-party certification schemes

- 6.31. A third-party certification scheme is a process where a manufacturer who wants to make a specific claim about a product engages with an independent organisation, such as a conformity assessment body (CAB). The CAB then reviews the manufacturing process of a product and determines whether the product complies with a specific scheme in terms of safety, quality or performance. There are a range of third-party certification schemes for construction products in use across the UK.
- 6.32. Third-party certification schemes can play an important role in providing additional assurance about the performance, and consequently safety, of products. However, that can only be achieved where those using the information provided can have confidence that the underlying processes underpinning this assurance are robust. There is currently no government or regulatory oversight of these schemes and, as demonstrated by Inquiry’s assessment of the certification schemes used for products installed on Grenfell Tower, they are open to misuse.
- 6.33. The Morrell-Day Review found that “although the level of scrutiny provided by the best voluntary schemes may be higher than the regulatory Assessment and Verification of Constancy of Performance (AVCP) process, the form and content of such schemes is variable, as is the degree of rigour and independence of oversight – and consequently the trust that the market might want to place in products covered by the schemes”.
- 6.34. The previous government sought views on third-party certification schemes in the 2018 ‘Building a Safer Future: proposals for reform of the building safety regulatory system’ ‘Building a Safer Future – Proposals for reform of the building safety regulatory system’²⁷ consultation. However, no measures were subsequently brought forward.

²⁷ [Building a Safer Future, Proposals for reform of the building safety regulatory system. Consultation - GOV.UK](#)

- 6.35. The government considers that these schemes can have an active part in assuring the performance and, consequently, safety of products, including products critical to safe construction (see paragraphs 6.15-6.19). However, that can only be the case where there is trust in these schemes. As such, the government is proposing the introduction of minimum requirements that would apply to all third-party certification schemes. As a minimum this would require transparency of each scheme in terms of its process, form and content, building on the conclusions of the Morrell-Day Review
- 6.36. This greater transparency will place greater choice in the hands of the user, enabling them to make better informed decisions about which scheme to use.
- 6.37. We are also considering going further and enabling the national regulator to set minimum requirements that schemes must meet, further driving safety. For example the frequency of audits, sample testing, and the type and age of equipment used to carry out the test.
- 6.38. New measures are intended to raise the bar in terms of rigour, consistency, transparency and confidence, with the overall aim of supporting both safe products and the safe use of products. The government also recognises that this must be balanced against the risk of creating unintended consequences which could impact the take-up of such schemes.
- 6.39. Any new measures would require appropriate oversight of compliance by the national regulator. As a minimum this would involve the regulator having oversight and surveillance of the market to ensure compliance and to enable any issues with a scheme to be addressed at an early stage.
- 6.40. To support this oversight, we are proposing that schemes providers should be required to notify the national regulator of the scheme, potentially achieved through uploading information to the construction library (detailed in Chapter 7). The national regulator would then be expected to undertake targeted market surveillance and enforcement of the schemes in operation, for example through periodic audits, to monitor compliance with minimum requirements. These proposals would not only standardise the assurances of these types of schemes which would address the current issue of variability but would also provide means to both quantify and identify what schemes are in existence.
- 6.41. Additionally, there could be merit in requiring all schemes to have upfront approval from the national regulator which would mean approval is required before a scheme can be adopted. However, we want to ensure that any new duties on scheme providers and the national regulator are proportionate to the potential risks, noting we want to see an increase in the establishment and use of robust third-party assurance schemes.
- 6.42. We recognise the important role they can play in supporting safe products and their safe use. We are therefore seeking views on proposals and evidence to support responses, including routes that might encourage take up such as through the involvement of trade associations.

Figure 7: High-level overview – placing a product on the market using a third-party certification scheme



*From a national regulator licensed CAB or trade association.

**Minimum quality standards to apply to all schemes.

Question 14.

Do you agree that minimum requirements for third-party certification should be required? [Yes/No]. Please explain your answer.

Question 15.

Should upfront approval from the national regulator be required for third-party certification schemes? [Yes/No]. Please explain your answer.

Question 16.

What could help increase the take-up of these types of schemes?

Product information and labelling

- 6.43. The Hackitt Review identified confusion over product labelling as a “contributory factor to fire safety systems being compromised”. Evidence to the Inquiry also showed misleading and un evidenced claims were made via product labelling and associated information.
- 6.44. Amongst the criticisms of construction product manufacturers in the Inquiry’s Report was that of active concealment of testing information which would be vital to safe design. This, coupled with grossly exaggerated and misleading claims about product suitability, directly influenced design choices, and the products selected for installation on Grenfell Tower, leading to the installation of an external wall system which did not conform to building regulations and which was ultimately proven to be unsafe.
- 6.45. Product information and labelling must support those designing and building to choose the right products for their purpose, including when combining products into systems or choosing substitute products. We propose requiring that products should be accompanied by appropriate and clear information to support safe installation under intended and normal or reasonably foreseeable conditions of use.
- 6.46. The revised EU-CPR includes requirements for new product information and labelling for products covered by designated standards or subject to a technical assessment. Consistency with the regime across the UK would help achieve the government’s guiding objective of securing safe products. For products outside this regime, we are proposing new measures to improve product information and labelling including through additional regulation, as set out in paragraph 6.6c.
- 6.47. We believe products without designated standards or subject to a technical assessment should be accompanied by information providing clarity on:
- The characteristics of the product that affect how it may be used.
 - Uses appropriate for the product.
 - How to install the product safely – as it is or as part of a system.

- 6.48. We note that some in industry are taking a lead to establish principles and details of good product information. The Code of Construction Product Information provides such an example. We note and welcome the fact that a number of manufacturers and distributors have signed up to this particular initiative. Building on this, we see the need for industry to significantly increase the take up of initiatives such as this Code.

An industry initiative – The Code for Construction Product Information (CCPI)

The aim of the CCPI is to raise standards in construction product information and marketing and drive positive culture change in the manufacturing and supply sector in relation to product information and marketing. Ultimately, the CCPI seeks to move the industry to a place where product information is clear, accurate, accessible, up-to-date and unambiguous.

The CCPI was initiated by the Construction Product Association (CPA) in 2019 as a direct response to Chapter 7 of ‘The Independent Review of Building Regulations and Fire’²⁸. This led to substantial industry consultation (2019-2021) which resulted in the creation of the CCPI. In 2021, to facilitate independent implementation of the CCPI across the industry and ensure that the industry was not ‘marking its own homework’, the CCPI was handed over to the newly established Construction Product Information Ltd (CPI Ltd).

CPI Ltd, owned by CPA, is a not-for-profit organisation with independent governance. The role of CPI Ltd is to guard the CCPI, to assess and approve registrations and to manage registrations on an ongoing basis. The CPI Ltd has been assessing product information and marketing since June 2023 and works with companies of all sizes and manufacturing all types of construction products.

The CCPI assessment process includes critical mechanisms, such as leadership and culture and ongoing registration elements, which do not exist elsewhere in the construction sector in assessments for manufacturers and their product information. These, along with other aspects of CCPI Registration, such as continuous improvement obligations for registered product information and the CCPI Issues and Whistleblowers Portal, provide valuable elements of assessment and on-going engagement to help users and specifiers have more confidence that they are working with manufacturers and suppliers that are committed to working to high standards and continually improving their product information by registering and conforming with the CCPI. Organisations can register with CPI Ltd and undertake the five-step assessment process under the independent scrutiny of CCPI assessors to enable them to carry the unique CCPI Assessed Mark on their product information and marketing that has passed the CCPI assessment.

Question 17.

What information would support you to choose the best product that will be safe in its intended use and its normal or reasonably foreseeable conditions of use?

²⁸ Independent Review of Building Regulations and Fire Safety: Final Report – GOV.UK

Marketing

- 6.49. Findings in the Inquiry’s Phase 2 Report, highlighted reports of false or misleading marketing claims.
- 6.50. The Morrell-Day Review states “that it is for product manufacturers to develop products that do the job expected of them, and to market them honestly, making no false claims”. Government accepts this and will consider how best to take it forward as set out below.
- 6.51. Government expects manufacturers and distributors to take appropriate steps to avoid the use of misleading information, particularly in relation to the suitability of a product for a particular use. Marketing information must be aligned to assessments of risk and results of tests undertaken.
- 6.52. There is extensive legislation to support consumers and businesses (listed in Annex B) if construction products are faulty or have been mis-sold. These include the General Product Safety Regulations 2005 which apply to all products intended for, or likely to be used by, even if not intended for them, consumers and place obligations on manufacturers to ensure they supply or place safe products on the market. These regulations protect consumers but not business to business sales. The Consumer Protection Act 1987 provides for civil action to be taken against manufacturers of defective products and the Business Protection from Misleading Marketing Regulations 2008 prohibits misleading marketing communications about a product.
- 6.53. The government is seeking views on what further legislation may be required to support the provision of clear and accurate product information, and to support honest marketing to ensure safe products that can be safely used. We know that the Inquiry’s Phase 2 Report identified misleading marketing practices and claims and we would like to understand whether there are examples of existing marketing legislation that have not worked.

Question 18.

Are you aware of instances where current marketing legislation has been insufficient to take action against misleading marketing practices? [Yes/No]. If yes, please provide details.

Industry skills and competence

- 6.54. The Morrell-Day Review stated that ‘No process will lead on to success unless every step is executed with the necessary level of competence; and the evidence is that only a small proportion of problems occurring on construction projects are attributable to defective products, as opposed to the way they are used and installed’.
- 6.55. The government is committed to building 1.5 million homes over this Parliament which are of high quality, and safe now and in the future. A key part of achieving this ambition is the ability to provide a pipeline of suitably qualified professionals for the housing and construction market with the right skills. The Building Safety Regulator, within the Health and Safety Executive, has overall responsibility for competence for designers and installers in the construction industry. Their work on competence includes oversight of work being

undertaken by the Industry Competence Steering Group’s working groups. In addition, the Construction Leadership Council’s ‘Industry Skills Plan’²⁹ is exploring how to build skills and competence and plug gaps in knowledge in the construction industry.

- 6.56. We are working across government and with industry to address skills shortages and improve skills, competence, and productivity across built environment professions, from construction trades to architects, planners, building inspectors and other specialist professions. We will set out more detail in our long-term housing strategy later this year.

Installation skills (including advice from manufacturers)

- 6.57. Safe installation is key to achieving government’s ambition that all buildings are secure for those that live and work in them. Building regulations (regulation 7) provide guidance for compliance on building work carried out in England with a focus on the adequacy of materials installed and used. But manufacturers must also bear some responsibility for facilitating appropriate use and installation of their products, particularly where products are key to the safety of a building.
- 6.58. In addition to providing the right level of information about the characteristics of products and product systems to support selection of suitable products for use, government wants to see systems that support safe installation: installation advice is a key part of good product information. Building inspectors are responsible for deciding whether a building meets the relevant requirements of the Building Regulations. Consequently, we are also keen to ensure that building inspectors have the appropriate level of skills to ensure their checks consider construction products’ installation.
- 6.59. The government is working alongside the Industry Competence Steering Group’s Working Group 2 to develop guidance on competency frameworks and to promote key initiatives that bolster capacity, for example the introduction of an accredited Rain Screen Façade installation pilot. Government is interested in learning more about industry developments in this area. We would also like to consider ways of supporting installer competence. This could be specific training for those that are responsible for selecting appropriate construction products, installers and supervisors. We are particularly interested in views on how we could support installer competence of products critical to safe construction, given the implications if such products were to be installed incorrectly.

Question 19.

How is industry addressing gaps in construction product installation competence?

Question 20.

What more can be done to support the improvement of competence in the construction products industry?

²⁹ Construction Leadership Council’s Industry Skills Plan. Industry Skills Plan Update

Chapter 7: Clear accessible information

- 7.1. This chapter sets out the government's plans for access to test results that are relied on when placing goods on the market and associated plans to facilitate a construction library of information to support the safe use of products and the work of the regulators. The chapter also includes proposals on digital labelling of products and Digital Product Passports (DPPs) and the future of product marking.

Inquiry recommendations

- 7.2. There has been criticism that information on product performance and safety can be inconsistent, lack clarity and transparency, and that it is not always easily accessible. This undermines safety and the safe use of products. The Inquiry's Phase 2 Report made two related recommendations on making test results available (113.23) and establishing a 'construction library' to provide a source of reliable information on data from tests and other relevant information for designers and regulators (113.39). In progressing both recommendations, the government wants to explore going further to support safe products and their safe use, underpinning sustainable growth, infrastructure and the delivery of 1.5 million homes during this Parliament.

Provision of test results

- 7.3. The Inquiry highlighted a number of instances of manufacturers making false or misleading claims. Examples include:
- Full details of test outcomes being omitted from marketing literature.
 - Manufacturers implying that a product had been tested and that it had passed, though it had failed.
 - Selective test results being displayed and relevant performance information being omitted.
- 7.4. The Inquiry report went on to make the following recommendation in this regard:

Grenfell Tower Inquiry Recommendation 113.23

In our view clarity is required to avoid those who rely on certificates of conformity being misled. We therefore recommend:

1. that copies of all test results supporting any certificate issued by the construction regulator be included in the certificate;
2. that manufacturers be required to provide the construction regulator with the full testing history of the product or material to which the certificate relates and inform the regulator of any material circumstances that may affect its performance; and
3. manufacturers be required by law to provide on request copies of all test results that support claims about fire performance made for their products.

- 7.5. The government accepts this recommendation in principle. The Morrell-Day Review also made recommendations that sought to ensure the transparency and accessibility of assessment documentation. Building on these recommendations, we expect test results relied on when placing a products on the market to be made available. They should be accessible and free of charge to those selecting and using the product. Through this consultation we want to identify any potential practical considerations as we further develop this expectation, ensuring a focus on safe products and their safe use that supports investment and growth. A significant amount of information is generated as part of the product testing process. Test results are the final outcomes of any test performed and can be made up of individual test data points. The report will contain quantitative and qualitative data. This data and subsequent results make up the test reports as a whole. Test reports are highly technical and can often exceed 100 pages in length. The level of information can also vary significantly. Any claims made about a product's performance, including statements about its suitability for use in certain situations, must be clear, honest, and evidenced. It is the responsibility of manufacturers, distributors and other economic operators to provide the information to demonstrate this.
- 7.6. We agree with the Inquiry that different information has utility for different groups. We consider that:
- Manufacturers should be required to declare in advance whether the testing it is commissioning from a conformity assessment body (CAB) is: a) for research & development (R&D) purposes or b) to support the placing of the product on the market. We consider that there should not be a requirement for test results that fall under 'a' to be disclosed to those who are later selecting and using that product. However, it would be an offence to later rely on or use that test data when placing the product on the market. There should be a requirement for test data that falls under 'b' to be disclosed in line with the requirements above.
 - When commissioning a CAB, manufacturers should provide the CAB with any information on past tests that may be relevant to preparing and undertaking the assessment.
 - Manufacturers would be responsible for making test results available (see the proposals for the construction library below).
 - Test results that are relied upon when placing a product on the market need to be accessible free of charge to those selecting and using a product.
 - Test results that support certification should be included as part of the certificate.
- 7.7. The national regulator must have powers to mandate disclosure of any information relating to the testing process that it considers necessary to assure itself that a product complies with the law. This includes, but is not limited to:
- The full testing history of the product.
 - Material to which the certificate relates.
 - Test data undertaken for R&D purposes.
- 7.8. The government recognises that this is a complex area, with varying levels of data produced, in different formats and for different audiences. We are therefore seeking views on a number of considerations. The degree to which different elements of test data can support users to make informed decisions can vary. And there is a risk that mandating disclosure of certain technical data creates an administrative burden without a tangible safety benefit. We also recognise that there may be a legitimate need to safeguard certain information where it is

commercially sensitive information and/or intellectual property in line with the need to support innovation and growth. Through this consultation we are seeking views on what information is necessary to different groups, to ensure that any claims made about a product's performance are clear, honest and evidenced and enable the safe use of products. As set out below, we envisage that the construction library would play a key role in hosting this information.

Question 21.

What test information is necessary to facilitate appropriate selection, safe installation, and to demonstrate that claims made can be evidenced?

Question 22.

What, if any, significant constraints might prevent disclosure of all test data and how could they be mitigated?

A construction library

- 7.9. The Inquiry made a specific recommendation that a construction library should be established to enable better access to information.

Grenfell Tower Inquiry Recommendation 113.39

Those who design buildings, particularly higher-risk and complex buildings, would benefit from having access to a body of information, such as data from tests on products and materials, reports on serious fires and academic papers. In Chapter 112 we have referred to the Cladding Materials Library set up by the University of Queensland, which could form the basis of a valuable source of information for designers of buildings in general. We recommend that the construction regulator sponsor the development of a similar library, perhaps as part of a joint project with the University of Queensland, to provide a continuing resource for designers.

- 7.10. Government accepts the recommendation to establish a library and we are exploring how best to facilitate this.
- 7.11. Our vision for the construction library goes beyond the scope of the recommendation. We think the library could fulfil a valuable role as a trusted source for all those that need access to information about the safe and appropriate use of products, whether that's industry professionals, the general public or the national regulator.
- 7.12. We agree that a library would be an important source of information for designers of complex and high rise buildings but think that the library should hold a broader suite of information to support our wider objective of ensuring safe products which are safely used. As set out above, we consider that the library would support the making available of test results and we will explore associated charges on those making test results available to support cost recovery.

- 7.13. A library could potentially serve several purposes. The library could act as a consumer tool, supporting those selecting and installing products by providing a ‘one stop shop’ to access key safety and other product information. It could also support the national regulator to undertake market surveillance by providing coverage of products that make an independently verified performance claim.
- 7.14. We think that the library could host a range of information including:
- Test results (as set out above).
 - Other mandatory information, such as Declarations of Performance for products that fall under a designated standard.
 - Fire safety reports and academic reports as indicated in the recommendation.
- 7.15. We anticipate different levels of access in line with range of functions and information. For example, we think that regulators will need access to a greater depth of information. We will explore what should be made publicly available, what might be limited to the national regulator and what this might mean for the design of the library.
- 7.16. We are seeking views on what additional information would be useful for a range of users. We also recognise that users of the library will want assurance that the information on the library is accurate and can be trusted. We want to understand how best to achieve this.
- 7.17. We think that it is important to establish the audience for a construction library and the information it should host before determining an appropriate model. That said, we are considering an online resource which would, as a minimum, contain a database hosting product information including test results as well as links to other useful documents, such as fire safety and academic reports. We are also aware of the development of Digital Product Passports (DPPs) in the European Union (EU) and we will consider how they might form a part of the construction library.
- 7.18. We are mindful of relevant work by the industry in this space and the need for careful consideration of any new digital service to truly add value. We also recognise the need for interoperability between systems, and the differences in verification and maintenance of these sources.
- 7.19. We welcome views and evidence on the potential benefits and concerns about a construction library, as well as information about existing initiatives within the construction industry. And we are keen to build our understanding of what the different users would want to see from such a service and explore its feasibility and how best it could be delivered.

Question 23.

What information would it be useful to include in a construction library and who would it benefit?

Digital solutions

- 7.20. In this section we invite views on a range of proposals to support our aim of accessible, transparent and trustworthy information.
- 7.21. The Morrell-Day Review recommends that “standards and protocols for product labelling and traceability, the management of information via the golden thread, and the control of product substitution” should be developed. We are keen to consider how to best support this aim.

- 7.22. As well as the construction library discussed above, the development of EU DPPs for construction products with EU harmonised standards also provides an opportunity to improve product information and support the safe use of products. We are working to understand these reforms, including how to support interoperability with United Kingdom (UK) manufacturers.
- 7.23. The government recognises the benefits of making better use of digital solutions but appreciates that there will be complexities to introducing schemes and the interlinking nature of wider reforms. To contextualise the challenge for the sector, a Royal Institution of Chartered Surveyors (RICS) survey suggests that in 2023, 49% of companies in the United Kingdom and Ireland were not sharing digital data or information on their current projects related to materials, products and systems.³⁰

Digital labelling, including Digital Product Passports

- 7.24. Digital labelling is a label or a barcode affixed to the product to link to information online, like a manufacturer website. This could form the basis for other digital solutions, supporting traceability, and feeds into innovations like EU DPPs.
- 7.25. Across government, further development of digital labelling is being considered in other sectors. For instance, the Department for Business and Trade is considering how to progress a voluntary scheme for manufacturers to use digital labels on their textile, footwear and crystal glass products. This links to a Uniform Resource Locator (URL) for the company details and certain product safety compliance information, or regulatory information such as the United Kingdom Conformity Assessed (UKCA) mark.³¹
- 7.26. Government is also aware of the development of EU DPPs and we are engaging across departments to understand how this change impacts the UK. Further details on the interaction with UK internal market and the EU can be found in chapter 4.
- 7.27. The proposal for EU DPPs were introduced through the EU Ecodesign for Sustainable Products Regulation (ESPR) which is part of a package of measures to help the EU achieve its environmental and climate goals. More detail on the ESPR and our proposals for achieving the wider government agenda on reaching net zero and transitioning to a circular economy can be found in chapter 10.
- 7.28. The reforms to the EU-Construction Products Regulation incorporate the concept of EU DPPs for construction products covered by harmonised standards. UK manufacturers that want to trade products with a harmonised standard in the EU will need to comply with this regulation. Further legislation in the EU will provide the mechanism to set up this process. The aim of EU DPPs is to provide easily accessible digital information to users of products, the supply chain and regulators with relevant information about a product throughout its journey. This includes who made the product, what it is made from, how it is intended to be used and installed and any special precautions to be taken, as well as how the product can be repaired, reused, or recycled in the future and the overall environmental impact.
- 7.29. EU DPP proposals are consistent with our overall ambition to facilitate safe products and the safe use of products through digital labels and clear product information. We will explore how the EU DPP system could interact with any UK developed platforms, such as the

³⁰ RICS (2024). Digitalisation in construction report 2024

³¹ Government response to the Product Safety Review and next steps. Consultation outcome – GOV.UK

construction library. The government is interested in considering how to collaborate with developments on EU DPPs to enable access to construction product information within and outside the UK, supporting trade and economic growth, and safeguarding the UK internal market.

- 7.30. We recognise that EU DPPs can assist with sharing product information on products that are imported from and exported to the EU. Subject to EU policy development, third countries (a country that is not a member of the EU) may be able to take part in the EU DPP system. We are seeking views on EU DPPs and whether a wider range of products should be included within this system.

Question 24.

What benefits or challenges could digital labelling or EU Digital Product Passports bring?

Traceability

- 7.31. Traceability is the ability to share information about, and follow the movement of, a product through all or part of its supply chain, across the stages of production, distribution and installation. The Hackitt Review noted “the built environment sector is significantly lagging behind many other sectors and needs to accelerate the adoption of readily available means of providing product traceability”.
- 7.32. We know that some organisations in the construction sector already use digital systems to trace products. We are interested in exploring what role government should play in improving traceability. We are also interested in understanding the appropriateness of traceability solutions for different groups within the construction industry, such as manufacturers, distributors and installers, including specific consideration of small and medium enterprises (SMEs).

Question 25.

Are the proposals we have outlined to improve access to product information enough to support traceability? [Yes/No]. Please explain your answer

Product marking

- 7.33. As part of reforms to secure safe products and facilitate their safe use, we recognise the need to consider the purpose and role of product marking in the future regime. Product markings – typically symbols, words, or barcodes – on a product or its packaging can provide ‘at a glance’ information for product users, for example to support the identification or tracing of a product.
- 7.34. At present products covered by a designated standard or subject to a technical assessment, and therefore within scope of the UK regulations for construction products, can only be placed on the market if they are affixed with a conformity assessment mark. The mark indicates that the manufacturer takes responsibility for the conformity of the construction product with the declared performance, as well as the compliance with all applicable

requirements of the regulations for construction products and any other relevant requirements regarding the use of the marking. To place a product that falls within the regulations for construction products on the market in Great Britain manufacturers either need to:

- affix the UKCA marking (having used a UK Approved Body where mandatory third-party conformity assessment is required); or
- affix the Conformité Européene (CE) marking having used an EU recognised notified body (where mandatory third-party conformity assessment is required).

7.35. To preserve its unique market access, in Northern Ireland, construction products that fall within the subset covered by the EU'S Construction Products Regulation (EU-CPR) must meet EU harmonised standards, and bear either the CE marking (where an EU recognised notified body is used) or the CE marking and the UK(NI) indication (where a UK Approved Body is used). Those goods, which are present in Northern Ireland or processed in Northern Ireland ('Qualifying Northern Ireland Goods') can also be placed on the market in Great Britain.

7.36. For products currently outside of the EU-CPR and/or the UK's construction products regulations, there are no requirements to use product marking, nor is there a voluntary UK government mark available.

Products covered by a designated standard or subject to a technical assessment on the market

7.37. To remove unnecessary trade friction, promote growth and protect the UK internal market, we propose continuing to recognise the CE mark. This would mean that where the UK and EU standards are the same, products legitimately affixed with a CE mark could continue to be placed on the market throughout the UK.

7.38. To provide clarity for product users and to support UK CABs, we need to consider what product marking should be mandated or available where a UK CAB has been used to demonstrate compliance to a designated standard or technical assessment. One option is to retain the UKCA mark for construction products covered by a designated standard or subject to a technical assessment. Alternatively, digital labelling could be available instead. We are seeking views on this.

Products not covered by a designated standard or subject to a technical assessment

7.39. Alongside mandatory marking, a range of non-regulatory industry marks are widely used as a way of demonstrating conformity to specific criteria. One example is the BSI Kitemark. Government-owned markings can also play a role in supporting UK industry and providing a further source of information to provide assurance to the users of products, facilitating their selection and installation. Therefore we are seeking views on whether there is a case for an additional mark or marks that could support the supply of safe products.

7.40. Potential options include:

- A UK government mark which could be available for manufacturers to affix where they have met a higher level of assurance and/or quality. For example where a third party scheme or standard that meets specific criteria has been used on a voluntary basis. Such a mark could support users of products to make informed choices and incentivise manufacturers to go further, thereby supporting trade. It could also support the UK CAB market.
- An additional marking made available, or required, for products critical to safe construction. This could be a physical mark or a mark linked to digital information.

Question 26.

Should digital labelling be available as an alternative to the UKCA mark? [Yes/No]. Please explain your answer.

Question 27.

Is there a role for government in establishing voluntary product marks, for example to demonstrate a higher standard has been met? [Yes/No]. Please explain your answer.

Independent scrutiny and expertise

- 7.41. The current construction products testing regime has operated with limited independent scrutiny or challenge. Independent scrutiny helps government to regulate in a way that reflects the needs and concerns of business and civil society stakeholders and brings an independent analytical perspective to decision-making processes.
- 7.42. Independent expertise and challenge can play a valuable role to help ensure that evidence and analysis underpinning decisions proposals are robust, and to support accountability and transparency of decision making. Expert advice and scrutiny could support the national regulator and potentially the Secretary of State in making decisions on specific issues. We are therefore seeking views on where external expertise and challenge can have greatest effect to drive improved outcomes, noting that there is a limited pool of genuinely independent expertise in what is a diverse and wide-reaching sector.
- 7.43. A key area where we consider this independent expertise will be needed is in relation to products critical to safe construction (see Chapter 6), to advise on which products and systems should be classified as critical to safe construction.
- 7.44. We also envisage that this independent expertise could have an important role in supporting and advising on the development of performance tests contained within standards. Over time the sorts of activities experts, working with other partners, could undertake might include:
- Advising on the current suite of tests undertaken by industry and identifying opportunities for improvements.
 - Advising on the commissioning of the development of new tests that can be used by existing or new materials and products to demonstrate performance.
 - Identifying new technologies that could be used to support safer construction, such as computer modelling and non-destructive onsite testing.
- 7.45. Experts could also participate in some British Standards Institution (BSI) standards committees. However, there would be a need to ensure that the responsibility and accountability of independent expertise is clear.

Interaction of independent expert advice and the national regulator

- 7.46. The national regulator currently utilises a range of independent expertise in various different ways, and we would want any new arrangements to best support the national regulator's activities. We would welcome views on what structures or processes may be needed to harness this expertise in the most effective way – one option being an expert committee. Some examples of existing models are summarised below.

Examples of existing models for harnessing advice

The Scientific Advisory Group for Emergencies (SAGE)³² provides coordinated advice during Cabinet Office Briefing Room (COBR) meetings. It offers scientific guidance to the UK government and consists of leading experts from academia and practice. SAGE operates independently, with expert participation varying for each meeting based on crisis needs. The government considers SAGE's evidence as part of its decision-making process for new policies but is not bound by its recommendations.

Many other regulatory regimes (such as food) have advisory panels and functions that support decision making. Established in 1990, the Advisory Committee on the Microbiological Safety of Food (ACMSF)³³ offers expert advice to the government on microbiological matters concerning food. Its main role is to assess risks to humans or microorganisms in food and provide guidance to the Food Standards Agency (FSA). ACMSF comprises an independent Chair and sixteen independent members who respond to requests from the FSA and identifies important issues independently. The ACMSF consists of independent experts from various backgrounds and produces detailed scientific reports based on the latest information, prepared by subgroups.

The German Institute for Building Technology (DIBt)³⁴ – Formed in 1968, DIBt plays a crucial role in ensuring the safety of the built environment by approving and assessing new, non-standard construction products and techniques. DIBt is a German technical authority that supports the federal states in fulfilling their regulatory responsibilities. It evaluates construction products and provides independent confirmation that a construction product is fit for use in line with the national requirements for structural works. DIBt employs approximately 220 staff and collaborates with over 570 external experts from academia, industry and public administration. These experts participate in both general policy and subject-specific expert committees. DIBt prioritises safety, environmental protections, and resource preservation in the application of construction products and techniques.

³² [The Scientific Advisory Group for Emergencies \(SAGE\). Q&A - GOV.UK](#)

³³ [Advisory Committee on the Microbiological Safety of Food. Homepage - GOV.UK](#)

³⁴ [Deutsches Institut für Bautechnik. Homepage - dibt.de/en](#)

Chapter 8: Assurance and oversight of testing and conformity assessment



- 8.1. The proposals in this chapter aim to ensure strong accountability across the testing and certification landscape, and sufficient oversight. Users of products, the wider industry and the public must be able to rely on organisations to operate impartially, with sufficient expertise, and in a way that supports the public interest. Also integral is the regime for setting standards, and the associated work of the British Standards Institution (BSI), and consideration of whether there is a need for public sector testing capacity and public sector research and development capacity, to drive safe products and their safe use and support innovation and growth.

Conformity assessment and accreditation

- 8.2. As set out in Chapter 1, conformity assessment entails testing and certification intended to ensure that the quality, performance, reliability and/or safety of products meet specifications and standards before they enter the market. The United Kingdom Accreditation Service (UKAS) is the UK's accreditation body confirming the competence of conformity assessment

bodies (CABs) and technical assessment bodies (TABs), and UKAS forms part of the UK's National Quality Infrastructure (NQI). The Inquiry's Phase 2 Report identified significant failings by two CABs (the Building Research Establishment and British Board of Agrément) and in the adequacy of oversight provided by UKAS. The Morrell-Day Review identified that issues were systemic.

Undertaking conformity assessment

- 8.3. A fundamental question at the heart of these reforms is: who should undertake conformity assessment and how should that be overseen? The Inquiry's Report contained the following recommendation:

Grenfell Tower Inquiry Recommendation 113.22

We therefore recommend that the construction regulator should be responsible for assessing the conformity of construction products with the requirements of legislation, statutory guidance and industry standards and issuing certificates as appropriate. We should expect such certificates to become pre-eminent in the market.

- 8.4. In Chapter 2 we recognised the Inquiry's diagnosis of the problem. There is a lack of transparency, capacity and competence within CABs, including inadequate expertise and insufficient independence. The associated risk of conflicts of interest resulted in CABs putting commercial incentives over public service responsibilities. However, in considering reforms, we need to ensure we do not introduce conflicts of interest of a different nature if one body were to undertake both the issuing of conformity assessment certificates and regulation of that. We are also acutely aware of the risk of capacity issues were one organisation to be solely responsible for issuing certificates. Through our reforms we propose that CABs should continue to undertake testing and certification and UKAS should have a role in assessing competency, but that both are supported by significant reforms, including substantively increased oversight by the regulator in order to ensure safe products.

Conformity assessment bodies

- 8.5. In the construction products sector, CABs play a key role in assuring a product's declared performance against a mandatory or voluntary standard or third-party certification scheme (see Chapter 6).
- 8.6. Recognising the criticisms associated with lack of competence and expertise, and insufficient independence, the government considers that conformity assessment activity should be undertaken in a way that works in the public interest, and with transparency at its heart. Those making purchasing decisions and relying on the safety of products should be confident in the information provided about a product's performance. We are seeking views on proposals to strengthen the functions and duties of all CABs in the construction products sector. They would remain in the private sector, reflecting the global nature of conformity assessment and need for capacity, but with new obligations. These regulatory obligations would apply to all CABs in the construction products sector when assessing construction products:

- All CABs to require licensing from the national regulator. The national regulator will set criteria for assessing the competency, transparency, independence and accountability of CABs against up to date regulations, gathering evidence to make assessments to determine their suitability to operate, then issue the licence and enforce against bad actors that breach licence conditions.
- The introduction of a statutory code that would apply to all construction products CABs. This could require all CABs to meet industry best practice, act independently when assessing manufacturers, make robust assessments and declare conflicts of interest; ensuring they act in the public interest, as recommended by the Morrell-Day Review. They would be required to ensure their technicians are trained appropriately and warn the national regulator of fraudulent manufacturers, as also recommended by the Morrell-Day Review. Breaching the statutory code could lead to the national regulator revoking their licence to operate and taking further enforcement action.
- To address the lack of transparency, CABs in the construction products sector would be subject to mandatory reporting requirements, for example via an annual report to the regulator summarising its activities, and remedial action taken. We are also minded to introduce regular data reporting to the national regulator, some of which could be included in the construction library (linking to the proposals in Chapter 7) covering for example trends or patterns that could help to highlight emerging product risks.
- A greater degree of self-regulation by the CABs themselves, with oversight from UKAS and the national regulator, to support the sharing of best practice with other CABs, and mechanisms to facilitate the interpretation and application of supporting guidance on standards.

Regulatory oversight

- 8.7. To underpin its role in licensing CABs, the national regulator would be responsible for: setting the criteria to assess the competency, transparency, independence and accountability of CABs; gather evidence to make the assessments; and would be the decision maker on whether a CAB should be granted a licence. Accreditation by UKAS could form one part of the evidence base for the national regulator to assess a CAB's competency.
- 8.8. Further requirements would also need to be met. For example additional measures would be expected to ensure: independence between a CAB's testing and manufacturing divisions (where relevant); that the CAB acts on public interest grounds; and to secure the transparency of the CAB's data reporting. The national regulator would also have powers to withdraw the licence and suspend CABs from operating (including CABs accredited by UKAS) and enforce against CABs who breach their licensing conditions.

Building conformity

- 8.9. It is fully recognised that any new requirements mandated of the construction products industry may place greater pressure on the services of UK CABs. We agree the recommendation in the Morrell-Day Review that there is a need to address the inadequacy of conformity assessment and testing capacity. Access to this capacity is critical to growth and meeting our commitment to deliver 1.5 million homes during this parliament. Our proposals to improve conformity assessment capacity include:
- Whether to recognise conformity assessment external to the UK as an option.

- Action to develop and maintain consistency in the skills of CABs (for example, through government-backed training schemes) to improve testing capacity and ensure that CABs have competent technicians.

Question 28.

Do you consider that the measures set out above would provide sufficient oversight of conformity assessment? [Yes/No]. Please propose any further measures you consider may be necessary.

Question 29.

Should the government have the ability to recognise conformity assessment activity undertaken by CABs established outside of the UK? [Yes/No]. Please explain your answer.

Question 30.

What support do UK CABs need to invest, grow and improve their skills?

The United Kingdom Accreditation Service

- 8.10. UKAS oversees the accreditation process to assure the technical competence and impartiality of those undertaking conformity assessment. It is a narrow and specialist technical function within the wider regulatory system (see Chapter 2).
- 8.11. UKAS has taken some action before and following publication of the Inquiry's report. It accepted the criticisms and built a programme of work to ensure lessons learnt. This 'PACE' programme contains the set of actions that UKAS has instigated following its internal investigations. UKAS has also conducted additional assessments of the BBA and the BRE. These steps are welcome, but the government is clear that more is required to fully address the Inquiry's findings.
- 8.12. We agree with the recommendation in the Morrell-Day Review that there is a need to strengthen the role of UKAS in the accreditation process. A key first step is to clarify the role of accreditation; this process provides limited assurance of a CAB's competence. Notably, even where the accreditation process is competently undertaken, accreditation alone provides limited assurance of a CAB's competence and is process rather than outcome focussed. This is because it is of limited scope focussing on specific technical properties rather than overall performance and outcomes. It can also be subjective when standards are open to some interpretation, which is common in the sector. This results in a need for collaboration between interested parties to agree on the best interpretation of a standard. We also recognise that conformity assessment remains vulnerable to fraud, such as falsified data or submission of non-representative samples for testing.
- 8.13. Consequently, we are proposing that the national regulator will have overall decision-making power on whether to approve and license CABs. UKAS itself should not be a 'regulator'. Additionally, stronger obligations are required of UKAS to support the national regulator's accountability and assurance of conformity assessment. This will include additional requirements on UKAS to share market intelligence with the national regulator

and responsibility for the oversight of CABs, whilst continuing to deliver its specific, relatively narrow, function of assuring technical competence effectively and impartially, alongside robust oversight and enforcement by the national regulator.

- 8.14. Additionally, the relationship between UKAS, as the national accreditation body, and the national regulator must be underpinned by reporting structures and full transparency of risks and issues. This will help ensure that concerns are proactively captured, recorded and followed up in a timely fashion. UKAS must also share information with the national regulator so that it can provide effective and robust market surveillance and enforcement.
- 8.15. To underpin this we propose the following measures would apply to UKAS in relation to construction products:
- Performance management of UKAS by the national regulator – The national regulator would set clear objectives, priorities, reporting requirements and conduct performance reviews of UKAS. This could include a duty on UKAS to agree priorities with the national regulator for the coming year and provide it with regular management information and reports on the state of the sector. The national regulator could also be equipped with powers to direct UKAS to undertake certain activities or courses of action, where that does not conflict with UKAS's role as the national accreditation body. Performance reviews by the national regulator could be at regular intervals or as necessary if issues arise.
 - Intelligence sharing with the national regulator – UKAS would provide the national regulator with regular reports as part of agreed reporting requirements. Additionally, UKAS would be required to gather intelligence, both as part of and outside of its accreditation assessment activities, including whistleblowing expectations. This would support the national regulator's wider regulatory activity by providing it with relevant evidence to help address emerging issues, determine regulatory action, and inform policy.
 - Greater oversight of CABs – During accreditation assessments UKAS would undertake more unannounced inspections, audits, gathering and sharing evidence of poor behaviour of CABs to the national regulator, warn underperforming CABs at risk of having their accreditation withdrawn and steps needed to remedy failings, and fully utilise powers to suspend product certificates.
 - Greater transparency of the accreditation process – As well as sharing information with the regulator we are seeking views on additional transparency requirements. For example, that summary information about each UKAS assessment be made publicly available.

Question 31.

What more is needed to address the issues identified with respect to UKAS and the accreditation process? How do we improve the performance and oversight of UKAS?

The British Standards Institution

- 8.16. The British Standards Institution (BSI) plays a significant role as the UK's national standards body and in representing the UK in the development of international standards (see Chapter 1). However, we agree with the recommendation in the Morrell-Day Review that there is a need to improve the quality and oversight of standards. This section considers

whether the relationship with government and the national regulator can be strengthened, how transparency in standard setting can improve, and whether mandatory standards can be made more accessible (see Chapter 2).

Government relationship

- 8.17. We are seeking views on how the future relationship between the BSI, government and the national regulator can help ensure that priorities and activities are better aligned to support our shared objective for safe products and a safer built environment. As part of this we want to ensure that there is a clear mechanism and structures to allow the BSI to be commissioned, for the BSI to be accountable, and for it to be responsive to government priorities.
- 8.18. We are particularly seeking views on ways to put the relationship between the Ministry of Housing, Communities and Local Government (MHCLG) and the BSI on a firmer footing. Arguably, current formal structures and established processes do not reflect the importance of our relationship. We are seeking views on the following proposals which could better reflect the importance of the relationship, and ultimately drive safety:
- An annual exchange of letters enabling MHCLG to set out its priorities for the year ahead and to invite the BSI to provide an overview of its activities in relation to standards relevant to construction products for the previous year, and set out its priorities for the coming year, and/or highlight any issues or risks it foresees.
 - A MHCLG-BSI Memorandum of Understanding (or similar).
 - MHCLG and/or the national regulator to commission the BSI to review construction products standards based on priority and risk, to support decisions on designation of standards or their referencing in statutory guidance.
 - Introduce a structured forum for strategic engagement between the BSI, the regulator and government that facilitates the space for collaborative working that enables the BSI to be responsive to government priorities.
- 8.19. We welcome views and any new proposals as to how the relationship between the government and the BSI can be further defined and utilised to support safe construction products and their safe use across the built environment.

Information sharing and commissioning

- 8.20. The BSI with its 99 committees is a rich source of information. This manifests itself in terms of: 1) in-depth knowledge of key issues, opportunities, risks and the demands from industry in terms of standards; and 2) the breadth of intelligence concerning upcoming standards in Europe and further internationally. This includes revisions to existing standards and the creation of new standards.
- 8.21. In light of the Inquiry's Phase 2 Report, the government wishes to explore how it can best harness the knowledge and intelligence that exists within BSI and its committees to ensure a comprehensive and rigorous approach that includes a greater range of players across the construction products sector. This could involve the BSI providing:
- Advice to MHCLG concerning information on construction products standards that are in development or are upcoming, such as a 'standards forward look' document that could be provided to MHCLG and/or the regulators an agreed timetable.

- Information on risks and issues, based on agreed criteria, to support regulatory activity and policy development.

8.22. As part of reforms to support a more defined relationship between MHCLG and BSI there is a likely need for processes that allow the national regulator and/or MHCLG to commission the BSI. This could take the form of:

- Creating new standards as required to meet key priorities, in particular to support the creation of a regime covering products critical to safe construction.
- Reviewing specific standards outside of the standard cycle where required.

Transparency and standards' development

8.23. Transparency has an important role in helping to build and embed trust in the standards process, ultimately supporting better outcomes and safer products. Potential measures which can support greater transparency include:

- Exploring with the BSI how it could strengthen citizen representation on its standards committees to help ensure a broader diversity of views. An increased participation by consumers within the BSI's committee structures could also bring a further measure of transparency to its work and would help to address areas where the standards development process is seen by some as heavily influenced by industry. We recognise the perception that committees are dominated by the larger industry players. But equally we recognise that there is a significant time and cost commitment to participate in the standards development process.
- An increased role for the national regulator to engage with the BSI in supporting reviews of the BSI's construction products standards based on risk and priority, for standards which are mandatory or referred to in statutory guidance.
- A review of the transparency around how drafting panels and technical committees reach decisions and the research or technical basis of a decision.

Access to standards

8.24. A significant amount of work is required to develop one standard and at present the BSI's work in relation to construction products standards is funded in two ways:

- 1) by charging for access to a standard to recoup the up-front costs incurred in developing that standard; or
- 2) through being sponsored to develop a standard (e.g., by a manufacturer or a trade body).

8.25. At present many standards are behind a paywall, with those who use these standards incurring a cost, including standards that are mandatory under the construction products regulations. The fact that payment is required to access some standards has often been raised with government as something which merits scrutiny.

8.26. We consider that there is an argument that mandatory standards should be free to access for those obliged to follow that standard. Consequently, where adherence to a standard would be mandatory, we are inviting views on proposals for alternative models that could enable free access and we are inviting the BSI and others for views on how this could be delivered.

Question 32.

What are the strengths and weaknesses of the standards development process, and where could it improve?

Question 33.

What opportunities are there for government and the national regulator to work more collaboratively with the BSI?

Question 34.

Should mandatory standards be free to access? [Yes/No]. If yes, please provide suggestions on how this could be achieved, including funding.

Research and development & public sector testing capacity

- 8.27. Testing and Research & Development (R&D) are distinct but both play a crucial role in a well-functioning construction products sector. In this section, R&D is defined as the innovation and development stages of a product, even before it is commercially viable. This kind of activity can take place in a wide range of environments but is often undertaken by private companies and universities, and at small scale. This is the initial stage of product innovation and occurs before a product is market ready (see Chapter 1).
- 8.28. Testing follows on from R&D and ensures that products are made ready for market. We explore this in terms of regulatory oversight and quality assurance. This occurs within CABs and TABs for a product to be marketed and sold in the UK. We also recognise that testing broadly encompasses the development of new standards, which can be applied to novel products or used to increase product standards in existing products. This occurs at BSI, with support from interested industry partners.
- 8.29. Currently testing and R&D for construction products occurs only in the private sector or through academic settings. There is no public facility for testing and R&D to occur and government is of the view that this must be addressed. Notably, the Inquiry recommends steps are taken to develop new test methods and research into building safety issues, including citing that this has been lacking since the BRE's transition from government advisor to a contractor. And the Morrell-Day Review advocates the potential for alternative technologies (artificial intelligence, digital modelling etc), to reduce or eliminate the requirement for physical testing, without reducing the reliability of the data provided.

Expanding public sector R&D and testing capacity

- 8.30. Recognising that the role of the government should promote the highest standards and ensure product risk is mitigated in the most economical way, we believe there is an argument to expand public testing capacity to provide access to facilities protected from undue commercial influence. We are also keen to support and encourage innovation in the built environment by ensuring that the safety and regulation of emerging technologies is robust enough to assure a safer future for the built environment.

- 8.31. Public sector provision could increase sector capacity for testing and conformity assessment and make safety research more accessible to support growth and drive better, safer, outcomes. It could also encourage research into current building materials and the risks they pose, as well as innovation into future material technologies.
- 8.32. An option to increase public sector testing capacity could entail creating a national testing facility. This would facilitate the development of new standards and test methods, whilst supporting the ongoing work of the building safety regulator to ensure testing standards are suitable and effective across various product types. This facility would also work to provide robust technical advice to government on construction product safety.
- 8.33. An option to increase R&D could be through collaborative projects or technical groups, where information, ideas, and expertise could be freely exchanged. This might even extend to research partnerships between institutions. Public investment in R&D is a known catalyst for private sector investment in R&D and we see this as a leading mechanism in stimulating research and development in the sector.

Question 35.

Do you agree that an increase in public and private sector testing capacity is required? [Yes/No]. Please explain your answer. If yes, please include information on the gaps this might address.

Question 36.

What should the government's role be in supporting R&D in relation to construction products and the wider built environment?

Chapter 9: Regulating the market



- 9.1. This chapter outlines our proposals to strengthen the enforcement regime, building on existing progress, with consideration of the appropriate scope of functions of the national regulator and the tools and information it needs to carry these out effectively and enforce compliance in industry. It also sets out our approach to reviewing the routes available to seek redress from construction product manufacturers to identify any issues or gaps that should be addressed.
- 9.2. We want a consistent, national approach to enforcement, with all regulatory authorities with relevance to the sector having clearly defined roles and working together to identify and respond to risks. Effective enforcement, and a level playing field; are critical in providing confidence that the regime will secure safe products and in underpinning innovation and growth. We will work with the Devolved Administrations on this national approach as appropriate.

Construction product manufacturers

- 9.3. The Inquiry exposed the dishonest and misleading practices of cladding and insulation manufacturers involved in the Grenfell Tower refurbishment. It uncovered a culture in the sector that put profit and speed above safety, and manufacturers who demonstrated dishonest and unscrupulous behaviour and provided inaccurate and misleading information about their products. These behaviours contributed to the Grenfell Tower tragedy.
- 9.4. The Grenfell community have waited seven long years and we completely understand their need for justice. We will fully support the Metropolitan Police and the Crown Prosecution Service in their work. We also recognise that we must take action to hold the manufacturers responsible for the ‘horrific failings’ described by the Inquiry to account, both now and to prevent future bad actors.
- 9.5. The government has already taken steps to prevent manufacturers supplying non-compliant construction products. The National Regulator for Construction Products (NRCP) within the Office for Product Safety and Standards (OPSS) has taken enforcement action, for example prohibiting the supply of non-compliant insulation products manufactured by Kingspan and Unilin, and addressing non-compliance in the plywood and external fire doorsets sectors. Additionally, powers through the Building Safety Act allow those who have incurred losses as a result of building safety defects to pursue manufacturers for contributions to remediation costs where relevant.
- 9.6. We know we need to go further. Procurement legislation has been reformed to enable government to take stronger and broader action in relation to supplier misconduct which we will, where appropriate, utilise to effectively hold organisations to account through access to public contracts. The new Procurement Act 2023 enables us to investigate suppliers, and, if certain grounds are met, to add their names to a published and centrally managed debarment list, which must be taken into account by contracting authorities across the public sector in awarding new contracts and undertaking new procurements.
- 9.7. We are investigating a number of organisations criticised by the Inquiry using new powers under the Act, to establish whether professional misconduct has taken place. We will make decisions on these organisations at pace.
- 9.8. The proposals set out in this chapter build on this work. They reflect the recommendation in the Morrell-Day Review to ensure active and effective enforcement by introducing deterrents in the future to ensure manufacturers know they will be held to account, with proportionate consequence.

Overview of the functions of the national regulator

- 9.9. The NRCP (referred to in terms of future reforms as the ‘national regulator’) was established within OPSS in 2021, and its market surveillance and enforcement powers have been strengthened to support this role through the Building Safety Act 2022 and subsequent Construction Products Regulations in 2022. It has increased market surveillance across the sector and taken enforcement action to address non-compliance where issues are judged to be national and/or significant.
- 9.10. We are seeking views on the functions, powers and capabilities that would enable the national regulator to build on this work to effectively oversee our proposed reforms to the construction products regime. As set out in the introduction to Part B, we will consider separately, and to a longer timeline, how to move functions into the single regulator for the construction sector.

- 9.11. We have set out the proposed functions of the national regulator below to seek views on whether this represents an appropriate and effective enforcement role. We recognise that having clearly defined roles across the regulatory landscape is vital to ensure a clear and consistent national approach, which in turn supports an environment of collaborative working between the national regulator and other regulatory bodies such as Local Authority Trading Standards (LATS).
- 9.12. We are exploring a range of regulator functions. Principally, the national regulator will need to enforce our proposed product requirements based on safety risk across all products (as set out in Chapter 6). This would comprise a range of activities:
- Making use of investigatory and intervention powers to enforce requirements around product performance, product information and labelling. This could include powers to inspect and to ensure it has access to the necessary information to perform its role – for example access to test results.
 - Providing guidance on regulatory compliance to economic operators and online marketplaces to support them in meeting any new requirements.
 - Oversight of the requirements on products critical to safe construction, including potentially advising the Secretary of State as to which products or systems should fall within this category.
 - Oversight of third-party certification schemes' compliance with minimum requirements, for example by requiring the national regulator to approve all such schemes, as set out in Chapter 6. This would further support the national regulator's surveillance of the market.
- 9.13. We are also exploring a number of regulator functions to support and complement the enforcement of product requirements. This includes:
- Enforcing against misleading marketing claims.
 - Structures and processes that would strengthen the national regulator's surveillance activities. Examples include a strengthened process for individuals to report concerns around the performance or marketing of a product; a structured mechanism for harnessing independent expert advice to support decision-making (as set out in Chapter 7); and having oversight of a publicly accessible construction library to prompt reporting and support intelligence-sharing (as set out in Chapter 7).
 - Implementing a strengthened programme of work to support the proactive identification of potential safety risks.
 - Oversight of the National Quality Infrastructure (NQI), including conformity assessment bodies (CABs) and the United Kingdom Accreditation Service (UKAS). We would also clarify responsibilities between these bodies, thereby contributing to better intelligence-sharing and market surveillance (as set out in Chapter 8).
- 9.14. Chapter 10 sets out environmental and sustainability requirements for economic operators. Should we introduce new obligations on economic operators, we will need to consider the appropriate role of the national regulator to enforce these.
- 9.15. We expect that, where appropriate, the national regulator would develop its appeals process in line with any changes to its regulatory functions under the new regime, to help ensure a fair and effective regulatory approach.
- 9.16. We will also expect the national regulator's enforcement functions to span the whole of the United Kingdom (UK).

- 9.17. We want to ensure the national regulator has the resources to deliver effective enforcement action. To support this, we will consider options for cost recovery mechanisms. For example, the Building Safety Regulator (BSR) currently operates a charging scheme which includes both fixed and varied fees as described in the Building Safety (Regulators Charges) Regulations 2023³⁵. We will carefully consider what options could be suitable and would welcome views on this topic.
- 9.18. We will also work with the national regulator to map out the regulatory skills and capabilities required to deliver our proposed functions and consider how best to address any identified gaps.

Question 37.

Do you agree with the proposed regulator functions that we have laid out? [Yes/No]. Please explain your answer.

Question 38.

We want to consider options for regulator cost recovery. Which of the regulator functions set out could be an opportunity for cost recovery? Please explain your answer.

Roles and responsibilities of the regulators

- 9.19. The insufficient integration of various functions across the regulatory system was identified by the Inquiry as a contributing factor to the failings of the system as a whole. Regulatory authorities play an important role in that system and with multiple regulatory bodies across the built environment, we must carefully consider how they join up and coordinate their work in order to deliver effective surveillance and enforcement.
- 9.20. The creation of a single regulator for the construction industry will overcome some of the fragmentation identified by the Inquiry. However, setting up a new body takes time and in the meantime it is important that the current regulators co-ordinate their activities effectively. Importantly, this includes work with the BSR. Further, the national construction products regulator will also need to work with regulatory authorities which operate beyond the construction industry and/or not at the UK level, and therefore will not be within scope of the single regulator.
- 9.21. We are therefore seeking views on the relative roles and responsibilities of regulators in the sector in line with our proposed approach to product requirements set out in Chapter 6, and how this could impact the scope and extent of their functions, powers and capabilities. We will consider whether new duties would help to support engagement between the regulatory authorities considered here.

³⁵ Building Safety (Regulators Charges) Regulations 2023. [Legislation.gov.uk](https://www.legislation.gov.uk)

Local Authority Trading Standards

- 9.22. Before the establishment of the NRCP within OPSS, LATs were the only authority for enforcing the construction products regulations. LATs have a duty to enforce the construction products regulations alongside a number of other regulations, including the Business Protection from Misleading Marketing Regulations. LATs therefore operate across multiple business sectors. The NRCP currently has the option to take the lead on a construction products regulations case if it could be considered novel, nationally significant or contentious. If these criteria do not apply, support can be offered to the relevant local authority.
- 9.23. We want to seek views on the relative role of LATs and the national regulator, and whether to shift the primary regulatory authority to the national regulator. We also want to seek views on how to ensure clarity around these responsibilities. This could require changes to the statutory role and responsibilities of LATs, although does not necessarily mean removing enforcement powers from local authorities.
- 9.24. Whether or not we decide to change the primary regulatory authority, LATs can play a crucial role in collecting local intelligence and we would want this valuable surveillance to continue. There may be a benefit to introducing new duties on LATs to cooperate and share intelligence with the national regulator and other enforcement and surveillance bodies, to ensure this vital local link continues.
- 9.25. The Morrell-Day Review also highlights the risk of relying too much on LATs officers for surveillance and enforcement, given that at least some LATs appear to have limited resources and lack experience of and expertise in the construction products sector. If LATs are to play a key role in the enforcement of our proposed new regime, they will need the capabilities to do this in practice. We will therefore explore proposals to support relevant LATs capacity and skills.

Question 39.

How much surveillance and enforcement of the construction products sector can and should LATs be responsible for? Please explain your answer.

National Trading Standards

- 9.26. National Trading Standards³⁶ was set up and is funded by government to support the delivery of national and regional surveillance and enforcement on certain transboundary issues, working closely with LATs. For example, the National Trading Standards Estate and Letting Agency Team protects consumers and businesses by enforcing the Estate Agents Act 1979 and the Tenant Fees Act 2019.

Question 40.

Should National Trading Standards play a role in overseeing or supporting enforcement of the construction products regime? [Yes/No]. Please explain your answer. If yes, please include what role you think National Trading Standards should play.

³⁶ National Trading Standards. Homepage - nationaltradingstandards.uk

- 9.27. Chapter 6 seeks views on whether current legislation is sufficient to enforce against misleading marketing claims about construction products. Currently, LATs have responsibilities for marketing enforcement and the Competition and Markets Authority (CMA) also has powers as the lead regulator for misleading marketing legislation. We want to seek views on the most effective balance of responsibilities between LATs and the construction products regulator and whether there would be benefits to strengthening the national regulator's role around marketing enforcement.

Question 41.

Should the national regulator play a stronger role in enforcement of misleading marketing? [Yes/No]. Please explain your answer.

The Building Safety Regulator and Building Control

- 9.28. Given that any defects in construction products are usually revealed when they are put to use, and that safety risks can arise from the way a product is used or installed, rather than from its inherent characteristics, it is important to consider the interactions and join up between the construction products and building regulations regimes, at both the national and local levels.
- 9.29. The NRCP and LATs are currently primarily responsible for regulating construction products when they are put on the market. During the building work process, when products are installed, the BSR (for higher-risk buildings) and other building control bodies in local authorities and the private sector (for all other buildings) oversee compliance with the building regulations, with the BSR also having responsibilities around the safety and standards of all buildings, as well as oversight of those working within the building control regime. As building control authorities, local authorities and the BSR are also responsible for enforcement of the building regulations if there are contraventions. We are seeking views on the most appropriate definition and join up of responsibilities between regulatory bodies to ensure clarity and completeness of enforcement across the life cycle of products, from manufacture to installation.
- 9.30. Chapter 6 sets out our proposed approach to regulating products by placing obligations on designers, contractors and installers. This may interact with the Materials and Workmanship and Dutyholders regime under building control (Regulation 7 of the Building Regulations 2010³⁷, and the Building Etc. (Amendment) (England) Regulations 2023³⁸). Therefore, compliance could be overseen by the BSR, local authority building control, and Registered Building Control Approvers, and any enforcement action could be the responsibility of the BSR and local authorities as appropriate. We want to consider the most effective model for ensuring compliance with these obligations, including which would be the most appropriate regulatory authorities, and how best to ensure effective join-up.
- 9.31. In advance of the transition to a single regulator, it is critical that we ensure collaborative working between the construction products regulatory authorities and the BSR. This may be strengthened by new cooperation or reporting duties. In their work assessing the design and construction of buildings against the building regulations, building control bodies and

³⁷ Building Safety (Regulators Charges) Regulations 2023. [Legislation.gov.uk](https://legislation.gov.uk)

³⁸ Regulation 7 of the Building Regulations 2010. [Legislation.gov.uk](https://legislation.gov.uk)

the BSR may come across cases where unsafe or non-compliant products have been used in a building. This would provide critical intelligence to the national regulator, so we envisage introducing new reporting duties on these bodies. As part of this, the current memorandum of understanding³⁹ between the BSR and the NRCP would need to be reviewed to reflect developments in the relative roles of the two bodies.

- 9.32. Given the BSR operates in England only, we would work with the Devolved Administrations on any proposals as appropriate.

Question 42.

How could OPSS as the National Regulator for Construction Products, the Building Safety Regulator, Local Authority Trading Standards and building control bodies best join up their responsibilities and work together?

Question 43.

Which regulatory authorities should play a role in ensuring compliance with our proposed obligations around product use? Please explain your answer.

Surveillance throughout the whole system

- 9.33. Effective market surveillance ensures that potential safety risks around the performance, product information or marketing of construction products are uncovered and can be addressed. Surveillance is essential to a well-functioning regulatory system that ensures safe products and is also a key element of the NQI.
- 9.34. There is a key role for the regulators to unlock effective surveillance through coordination, oversight and proactive action. This will need to involve the regulatory authorities accessing and receiving critical intelligence at all stages of a product journey, so that they can take action that will achieve compliance.
- 9.35. This will be challenging to achieve, given the historical lack of surveillance of the sector, as identified by the Morrell-Day Review. The Inquiry also points to these challenges in citing the lack of effective coordination between different aspects of the single system for construction, where monitoring of the working of the system as a whole was ineffective, concluding “Only if there is a greater degree of integration of the different parts of the system will the public obtain the benefits that the system as a whole is intended to provide”.
- 9.36. The national regulator will need strong knowledge of the sector and relationships with industry and other relevant regulatory bodies in order to inform its surveillance work and foster a culture of intelligence sharing. Should LATs maintain their construction products enforcement responsibilities, the capabilities of their officers will also need to be strengthened. Surveillance activity at the local and national level will need to be effectively coordinated to make the most of capacity and intelligence.
- 9.37. We therefore propose the following elements to underpin effective surveillance:

³⁹ Memorandum of Understanding between BSR and NRCP. Memorandum of Understanding - GOV.UK

- Integrated reporting and intelligence sharing between economic operators, regulatory authorities and elements of the NQI (e.g. UKAS, CABs) across the built environment.
- A clear and effective process for different stakeholders to report with confidence safety concerns and issues to the national regulator.
- A national regulator-led programme of proactive surveillance, including risk-based testing.

9.38. This may require increased clarity about reporting responsibilities for different individuals and organisations throughout the system, such as who must report an incident and to whom. It may also require additional powers and capabilities for the national regulator to carry out its own proactive surveillance and investigation work.

Reactive surveillance: reporting and intelligence gathering

- 9.39. To regulate our proposed product requirements based on safety risk set out in Chapter 6, and the obligations on economic operators and online marketplaces within this, we could introduce duties for these operators to co-operate with regulatory authorities and provide them with information as requested. This could include information and documentation concerning their products, risk assessments and decisions, and who their products have been supplied to, as well as a duty to report any inherent safety defects that they discover in their products.
- 9.40. We will consider the need for additional reporting duties to support intelligence sharing between the national regulator and the BSR, building control bodies, LATS, fire and rescue authorities, UKAS, CABs, and other relevant regulators, taking into account the transition to the single construction regulator. The regulatory authorities could also work with industry and professional bodies to support a culture of intelligence sharing amongst the sector, for example by publishing clear guidance on this process.
- 9.41. Chapter 8 set out the key role that CABs could play in assuring a product's declared performance against a standard or third-party scheme. Intelligence-sharing between CABs, UKAS and the national regulator could make a valuable contribution to surveillance. We propose placing additional duties on CABs and UKAS to support this as set out in Chapter 8.
- 9.42. There may be additional opportunities for the national regulator to engage and share relevant intelligence with regulatory authorities across European Union (EU) Member States, including through access to the EU products database.
- 9.43. The NRCP already handles numerous informal enquiries and allegations around potentially non-compliant construction products from end-users and other stakeholders. There were over 50 enquiries about construction products in 2023/24. The NRCP also established a team bringing together compliance, intelligence, incident and technical teams to triage and effectively manage new concerns. This team examined 68 concerns, helping 18 local authorities on issues relating to products such as structural steel, cavity wall insulation, fire retardant acoustic tiles, oak engineered wood flooring, and aggregates⁴⁰.
- 9.44. Building on this, we propose that the national regulator maintain a more formal process for individuals or organisations to report issues with a product. This would be a route that is clear, accessible to all, and openly promoted by the national regulator to relevant users including residents and other building users, building owners, building control bodies, economic

⁴⁰ OPSS (2024), [OPSS Delivery Report 2023-2024](#)

operators and online marketplaces, and professional or industry bodies. Stakeholders should also feel confident reporting issues, so we propose that this process would protect the anonymity of the reporter as appropriate.

- 9.45. There are existing voluntary reporting processes hosted by third parties, such as Collaborative Reporting for Safer Structures UK⁴¹ (CROSS-UK) which provide a confidential route to submit a report on products where there are concerns related to fire or structural safety, without fear of regulatory action. These reports are anonymised, supplemented with expert comments, and published so that others in the sector may learn from them. These types of processes offer another route for the national regulator to receive vital information about product risks, so it may be valuable to formalise regulatory authorities' engagement with such organisations, to develop this link and where appropriate embed it into the intelligence gathering process.

Proactive surveillance

- 9.46. We want the national regulator's reporting and intelligence-gathering work to be complemented by effective proactive surveillance to identify potential safety risks. The NRCP has already developed a programme of work that involves risk-based testing to validate the performance of products. To support this, there could be benefits to strengthening its investigatory powers, including the powers to require the production of information, to purchase and seize products, and to proactively sample and test products. Relevant regulatory authorities already have such powers to enforce the consumer protection regime under the Consumer Rights Act 2015.
- 9.47. To enable new and evolving risks to be identified, the national regulator's proactive surveillance work would need to take relevant market developments into consideration. This could be supported by any structures we set up to harness external expertise, as explored in Chapter 7.
- 9.48. Chapter 7 discusses increasing the amount of publicly available information on products, for example through the option of a construction library, as recommended by the Grenfell Tower Inquiry. This could contribute to reactive surveillance, by providing information that might prompt users and other relevant bodies to report concerns to the regulatory authorities, and could also inform the national regulator's proactive scanning of product information being supplied by manufacturers. The national regulator could potentially be well placed to host a construction library.

Question 44.

Do you believe the approaches to reactive and proactive surveillance as set out will be effective in monitoring the market? [Yes/No]. Please explain your answer and note any additional approaches you think we should consider.

⁴¹ Collaborative Reporting for Safer Structures. Homepage - [Cross-safety.org/uk](https://cross-safety.org/uk)

Enforcement

- 9.49. The NRCP and LATs have existing powers to enforce the construction products regulations in Great Britain, in addition to regulatory powers covering construction products in Northern Ireland (NI), and the General Product Safety Regulations 2005 (GPSR), as highlighted in Chapter 1, Tables 1 and 2.
- 9.50. Chapter 2 highlights that there are limitations to the current regulations, meaning that currently, regulators are limited in their ability to enforce good behaviour in the industry and take action against any bad actors. Additionally, the GPSR applies to consumer products in the absence of product-specific regulations. While these regulations may serve to fill potential gaps in construction products regulations, it may also result in a complex picture that is difficult to understand and apply effectively.
- 9.51. Chapter 6 details how we will bring all products within scope of the regulatory regime. We are reviewing the enforcement powers available to the national regulator, and in some cases LATs, to ensure they can act decisively and effectively where safety risks are identified in line with the proposed obligations on manufacturers, distributors, fulfilment service providers, importers, and off and online marketplaces.

Enforcement approach

- 9.52. The NRCP takes a risk-based, proportionate, and tiered approach to enforcement action⁴², triaging issues based on risk and identifying those which require further investigation.
- 9.53. In most cases we would expect non-compliance to be resolved through engagement with economic operators and online marketplaces through an undertaking to address issues identified with a product or system. This reflects an approach that supports businesses to comply with the regulations. We will consider the powers the national regulator needs to deliver this, along with civil and criminal sanctions for those cases where more serious breaches occur or economic operators and online marketplaces do not respond adequately to support from the regulatory authorities. We would expect these to be employed in a manner proportionate to the severity of the offence.

Offences and liabilities

- 9.54. Under the UK's construction products regulations, it is already an offence not to comply with certain requirements for products that are subject to a designated standard or not to conform to a United Kingdom technical assessment which has been issued for it.
- 9.55. This green paper proposes new obligations on economic operators and online marketplaces as outlined in Chapter 6 and Chapter 7. In cases where the economic operators and online marketplaces contravene their obligations, including with regard to accurate product information and labelling, we are exploring whether this should be a criminal offence that is punishable by an unlimited fine, imprisonment, or both. We will also consider whether non-compliance with an enforcement action should be a criminal offence.

⁴² [OPSS enforcement: enforcement policy. Guidance - GOV.UK](#)

9.56. We are considering whether further provisions are required to expand the scope of who can be liable for an offence. This could provide greater routes to pursue future bad actors and deter bad behaviour, supporting a system in which good actors can have confidence and thrive. Similar provisions exist in the Health and Safety at Work Act 1974 and in the Medicines and Medical Devices Act 2021. This could include:

- Statutory provisions to ensure that employers are vicariously liable for the misconduct of their employees. For example, an employer could be equally liable for an offence committed by an employee.
- Statutory provisions to ensure that individuals directing the behaviour of a company are liable for contravention of obligations. For example, where offences have been committed by a company, there could be a provision to prosecute or otherwise hold liable a director, manager, secretary or other similar officer.
- Liability extending to associated companies, such as a parent company being responsible for a contravention by a subsidiary in a group.

Question 45.

We are considering options to expand the scope of who can be liable for an offence, so that it could include individuals and associated companies. Do you agree with this proposal? [Yes/No]. Please explain your answer.

Interventions and sanctions

- 9.57. We are considering what may be the appropriate toolkit of powers available to regulators under the proposed safety regime to deliver effective enforcement of the obligations on economic operators and online marketplaces. This could include a wide variety of methods to encourage and support compliance in a sensible and proportionate way depending on the seriousness of the breach.
- 9.58. Depending on the nature of the case, we would expect the national regulator to use any combination of the powers available to it that it deems appropriate. Though we set out suggestions for a suite of sanctions in this section from minor to severe, this does not reflect a linear process of enforcement.

Interventions

- 9.59. We want the national regulator to influence a system that provides assurance to those using products and deals with bad actors appropriately.
- 9.60. Our primary aim is to equip the national regulator with powers that enable it to support safe products, hold economic operators and online marketplaces accountable and facilitate innovation and growth. Some of these powers are likely to be similar to those in the existing regime (outlined in Chapter 1, Tables 1 and 2), such as functions to obtain information, to temporarily or permanently recall a product, to warn users of products against any safety risks, and forfeiture powers which may include destruction of a product in some cases.

- 9.61. We are also exploring additional powers such as the power to request product samples, powers to issue improvement notices to improve the business practices of a company, and the power to issue cost recovery notices to recover the national regulator's expenditure on carrying out enforcement action. We would expect the national regulator to use its discretion to apply these notices in a proportionate and sensible way in order to manage contraventions which result in a safety risk.
- 9.62. In the worst cases, regulatory authorities could decide to use their powers to their fullest extent, for example, apply their powers to suspend or prohibit supply across multiple products from the same manufacturer.
- 9.63. In Chapter 8 we propose measures to increase the national regulator's oversight of the NQI, including that the national regulator would approve, licence and oversee all CABs. We will therefore need to consider in due course the appropriate tools and powers that would support the national regulator to enforce this role with different stakeholders within the NQI.

Sanctions

- 9.64. We have outlined our intention to explore whether to make a breach of the regulations a criminal offence that is punishable by an unlimited fine, imprisonment, or both. Should we go ahead with this proposal, we would expect the national regulator to pursue this where appropriate.
- 9.65. In addition to considering the option of criminal prosecution, we will review options to give the national regulator the power to issue civil monetary penalties to broaden its options for enforcement and offer a route that may be less time and cost intensive. Monetary penalties could also act as an intervention to incentivise compliance. We will review whether LATs should also be given this power, assuming they maintain their enforcement role.
- 9.66. The appropriate level for such penalties will be considered to ensure it acts as an effective deterrent to poor behaviour. For example, the national regulator could be empowered to take a company's income into account when setting the level of the penalty.
- 9.67. Should we go ahead with these proposals, regulatory authorities would be able to decide whether to issue a civil monetary penalty or pursue a criminal prosecution, in line with the national regulator's enforcement policy, which would need to be updated in light of the new regime.

Additional measures

- 9.68. We are also proposing to go further with the proposed powers of regulatory authorities. This includes measures for the national regulator to have powers to limit individuals' activities in the construction products sector. There are such provisions in other regulatory regimes, such as the food safety and financial conduct regimes. This could mean that, where individuals are convicted of serious offences related to construction products, such as gross negligence manslaughter, the national regulator could prevent them from working in the industry again. We must ensure that the few that put lives at risk through negligent behaviours are held to account.

9.69. We are also seeking views on whether there are any other measures we should consider.

We are considering the appropriate suite of enforcement powers available to regulatory authorities in the proposed regime.

Question 46.

We have set out proposed interventions and sanctions available to the national regulator. Do you think these will enable the national regulator to effectively manage non-compliance in the sector? [Yes/No]. Please explain your answer.

Question 47.

We have set out our intention to explore regulatory powers to limit individuals' activities in the construction sector, in line with provisions in other regulatory regimes such as food safety. Do you agree with this proposal? [Yes/No]. Please explain your answer.

Question 48.

What, if any, additional measures should we consider to strengthen the powers of regulatory authorities, beyond those we have outlined in this chapter?

Civil redress

- 9.70. Where possible, the costs of fixing building safety issues should be borne by those causing the issue, rather than the person who suffers the effects, or the wider community. This means that there should be routes for those affected to seek redress for costs from product manufacturers, should they fail in their obligations around product performance and information.
- 9.71. The Building Safety Act 2022 included provisions to make sure that essential remediation work required to remedy building safety defects takes place without delay. The Act makes sure that those who built defective buildings take responsibility for remedying them, that the industry contributes to fixing the problem, and that leaseholders are protected in law from bills for historical safety defects. This government is taking direct action to recover costs from those responsible, for example by pursuing remediation contribution orders. It has also made clear its ambition to accelerate the pace of remediation. The Act also introduced new liabilities for construction product manufacturers under section 148 and 149. This means that, where the actions of a manufacturer have caused or contributed towards a dwelling being unfit for habitation, those with a legal interest in the building who have incurred a loss as a result of that can seek redress.

- 9.72. To date, however, manufacturers of unsafe cladding and insulation products, such as Aluminium Composite Material Polyethylene, have not made a fair contribution to the cost of replacing those products in buildings. We therefore want to understand the extent to which current routes to make claims against manufacturers are effective for those seeking redress. We also want to understand how effective the current system is in ensuring that manufacturers make an appropriate contribution as part of industry taking responsibility for rectifying past wrongs. We are seeking to identify any gaps and challenges in the current system, and understand if there is a role for government to address these.
- 9.73. Building owners, leaseholders, developers, contractors and any other parties who might have suffered losses as a result of building safety defects should be assured that there are sufficient and straightforward routes to recovering costs from construction product manufacturers where relevant. Should we identify any issues with the current system, we will not hesitate to consider legislative options to strengthen routes to redress. Any changes will be considered in the context of wider government action on holding construction product manufacturers to account.
- 9.74. We would also consider how any changes to the current system might interact with the process of funding and accelerating the remediation of buildings. In the past, resolving the ‘who pays’ question has resulted in substantial delays in making buildings safe. We would want to ensure any new interventions do not pose such a risk. The message to construction product manufacturers should be clear – if your products have caused, or cause, safety risks and defects that need to be remedied, you should contribute to the costs of fixing them.

Question 49.

If you have suffered a financial loss as a result of building safety defects, have you ever considered taking action to seek redress from a construction product manufacturer via sections 148 and 149 of the Building Safety Act? [Yes/No]. If yes, did you face any difficulties? Please explain your answer.

Question 50.

If you have suffered a financial loss as a result of building safety defects, have you considered making a claim against a manufacturer via any other available routes, such as contractual routes? [Yes/No]. If yes, did you face any difficulties? Please explain your answer.

Question 51.

Do you think that there are improvements that could be made to the current system to ensure that claims against manufacturers can be effectively pursued? [Yes/No]. If yes, please explain your answer.

Question 52.

Do you think that there is anything additional that government should do to support effective redress against construction product manufacturers? [Yes/No]. If yes, please explain your answer.

Chapter 10: Environment and sustainability

- 10.1. This chapter sets out how the sector can have a role in improving the sustainability and circularity of construction products, supporting sustainable growth without undermining product safety. It outlines proposed environmental requirements for manufacturers and other economic operators for products covered by a designated standard or subject to a technical assessment. It also explores options for a proportionate environmental obligation on all products and opportunities through standardised, transparent environmental data. It seeks views on whether this should be industry led or mandatory and what other action industry is taking and should take.
- 10.2. Government has made clear commitments to reducing carbon emissions and transitioning to a circular economy. Work is taking place across industry and government that focuses on environmental, sustainable and circular economy principles. However, there are currently no specific environmental requirements for products under the Construction Products Regulations (CPR) (see Chapter 1). The government considers that more can be done to encourage, incentivise and implement environmental and sustainable practices across the sector, while at the same time delivering on safety and supporting productivity, innovation and growth.

Addressing aspects for products covered by a designated standard

- 10.3. We want to consider the opportunity to improve the environmental performance of products covered by standards. The revised European Union (EU) regime introduces significant new requirements. It establishes environmental performance as essential to harmonised standards and standardisation requests, and allows for a wide range of other requirements to be included in those standards. Reflecting the opportunity for consistency with the EU regime where it meets our objectives, further supporting trade and supply chains, the key changes include:
- **Environmental characteristics as central to harmonised standards:** The revised European Union Construction Products Regulation (EU-CPR) sets out that harmonised standards should cover 19 environmental essential characteristics related to the life cycle assessment of a product. These include climate change effects, water use, particulate matter and land use related impacts.
 - **Environmental assessment and reporting:** When placing a product on the market, a declaration of performance and conformity will be required by manufacturers that includes an assessment of product performance against these characteristics over the product's life cycle. These requirements apply to the product as well as its packaging. There is also focus on ensuring traceability of products' environmental information throughout the supply chain.
 - **Digital product passports:** Digitisation and transparency of information provide an opportunity to address key barriers for the sustainable use and reuse of products. This is being taken forward in the form of digital product passports for products under the revised EU-CPR. We will consider how to take forward digitalisation and transparency of information in the reformed regime (see chapter 7).

- **Circularity and reuse:** The inclusion of used products within the scope of the regulations and obligations placed on manufacturers to provide spare parts to facilitate longer use/re-use periods. The revised EU-CPR also includes provisions for standards to include further environmental requirements to improve resource efficiency, reduce energy consumption or carbon emissions, and support the transition to a circular economy.
- **Environmental product requirements:** The potential to establish additional requirements for products. Additional requirements would specify that products be designed, manufactured and packaged so that one or more of the product environmental aspects outlined in the revised EU-CPR are, over the product's life cycle, addressed wherever possible without safety loss or by outweighing negative environmental impact. This potentially includes minimum performance thresholds.

10.4. We note through early stakeholder engagement that a subset of industry is already taking steps to assess, report and improve the environmental impact of products. As such, we expect the additional burden of these regulations to be mitigated by this industry action and increasingly so as industry takes its share of responsibility for the transition to net zero and a circular economy.

Question 53.

Should these environmental aspects, as reflected in the revised EU-CPR, cover products subject to a designated standard or a technical assessment? [Yes/No]. Please explain your answer.

Products to be covered by a general safety requirement

- 10.5. Government is keen to hear from industry to determine what the most beneficial approach for products to be bought into the regulatory regime through the general safety requirement might be.
- 10.6. Options include whether to introduce an approach akin to the general safety requirement, as outlined in Chapter 6, and place a proportionate mandatory or voluntary obligation on economic operators to ensure that they consider and mitigate significant environmental impacts of products. This would seek to understand and mitigate the most serious environmental impacts, with the duty – and therefore economic burden – falling only on the products that cause the most environmental harm.
- 10.7. An alternative or additional approach might involve standardising and increasing transparency of environmental data in the sector. This may be more in line with industry work, such as that of the UK Green Building Council's Whole Life Carbon Roadmap⁴³. This is currently being driven through the voluntary uptake of standards related to whole life carbon assessment, and contributing to the incentive for product manufacturers to produce environmental product declarations (EPDs).
- 10.8. We are seeking views on the degree to which the approaches explored above, or others, would support the government's ambition and objective to improve the sustainability and circularity of products. We are also seeking views on the degree to which this should be government or industry led.

⁴³ UK Green Building Council (2021). Net Zero Whole Life Carbon Roadmap

Question 54.

What, if any, approach might there be to measuring and/or mitigating the environmental impacts for products brought into the regulatory regime through a general safety requirement and should this be mandatory or voluntary?

Further actions to facilitate environmental aspects of construction products reform

10.9. Wider actions industry could take to improve outcomes for environmental sustainability and circularity include, but are not limited to:

- Making software available to enable manufacturers and others to perform standardised life cycle environmental impact calculations.
- Deposit-refund systems, where manufacturers regain ownership of new, surplus or unsold products.
- Requirements for manufacturers to provide spare parts.
- Providing a database of re-used products. This could be set up with a view to increasing circularity, as well as compliance with waste and chemicals legislation.

10.10. We are keen to understand if these, or other actions, would support government objectives; and whether government or industry should take these forward.

Question 55.

Do you support the proposed actions above? [Yes/No]. Are there any other actions that could be taken and by whom (e.g. government/industry)? Please explain your answer.

Chapter 11: Further evidence requirements

- 11.1. The proposals explored throughout this green paper have been developed on the basis of engagement with the sector and the findings of the Hackitt Review, the Morrell-Day Review and the Grenfell Tower Inquiry.
- 11.2. Government and industry also produce statistics and other data on the size and structure of the industry, as well as enforcement activity, which has been considered.
- 11.3. Some of the available data, as well as a descriptions of data gaps and uncertainties, were set out in Section 8 of the Morrell-Day Review. The Morrell-Day Review also notes significant constraints with regard to the available data about the sector. The independent reviewers note that there is no listing of companies, no generally accepted classification system, no analysis of the size of the market or its structural characteristics, and no dataset of products that have failed assessment or represent a risk of harm.
- 11.4. It is recognised that the construction products sector is complex. Government is continuing to build our understanding of potential impacts across our reform agenda. Sources of sound evidence, however, in the form of robust data and reliable analysis on matters such as construction products supply chains and the shape of the market, and other wider analytical themes concerning the construction products industry, appear to be limited across the sector. We are keen to address this, and so welcome your views on what evidence exists, and how gaps might be filled where they are present.
- 11.5. As our proposals become firmer, we will develop more detailed impact assessments.

Question 56.

Could you share any relevant information about the estimated size of the market as outlined in Chapter 1, and the construction products sector more broadly and its significance. If relevant to our wider reforms please refer to which part it is relevant to.

Question 57.

What direct or indirect costs could yourself, businesses and wider society have due to our proposed reforms?

Question 58.

Is there anything else you would like to inform us of, that you have not been able to through other questions in this publication?

Chapter 12: Next steps

- 12.1. The preceding chapters set out the vital importance of reform in the construction products sector to improve public safety, rebuild public trust and ensure the Grenfell Tower tragedy cannot be repeated. They detail the scale of the opportunity for change and our collective ambition to put in place a construction products regime that is effective and has the confidence of the public and the market. Responsibility for achieving this is shared across the industry and government, including manufacturers, distributors, specifiers, contractors, investors, regulators and those selecting and using construction products. All have a part to play in ensuring that construction products are safe and safely used, manufacturers and other economic operators act responsibly and industry can grow and innovate, enabling the building of 1.5 million safe homes over this Parliament alongside critical infrastructure.
- 12.2. The necessary changes will require significant and long-term effort from both government and industry. This chapter looks ahead to the next steps the government will take to advance this programme of change and deliver on the challenge set to government and industry by the Grenfell Tower Inquiry and Independent Reviews.

Government response

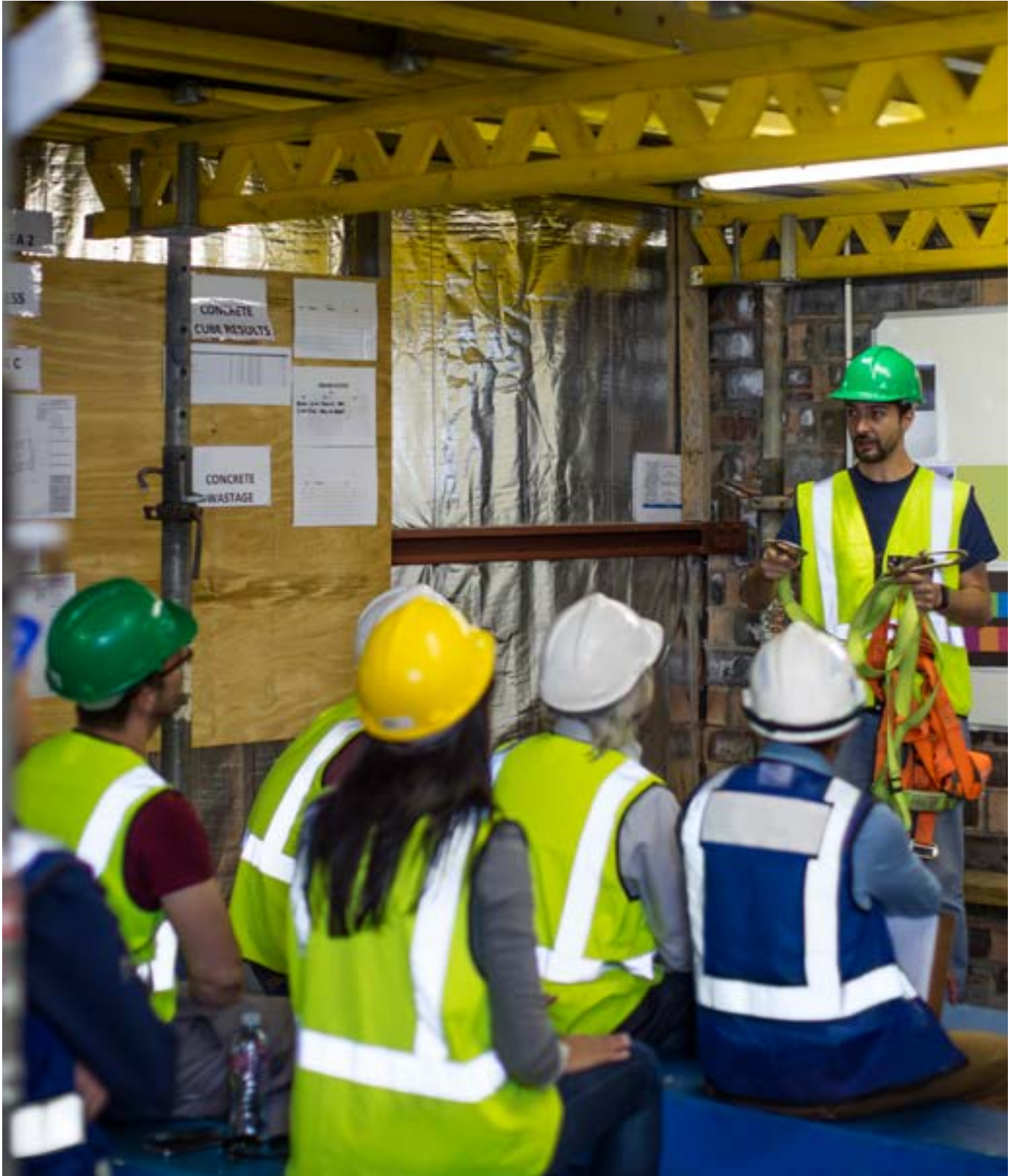
- 12.3. This consultation will run from 26 February 2025 and will close on 21 May 2025. This consultation will be supported by engagement with stakeholders across the sector to inform the development of our proposals (see below). Further technical consultations may also be conducted to develop and test more detailed policy, as firm proposals emerge. These consultations will contribute to and benefit from the engagement detailed below as well as ongoing co-design with the sector. Following this consultation, we will set out the government's initial response and our next steps for long term reform.

Sector engagement

- 12.4. There are a significant number of organisations that need to inform the development of reforms, meaning that effective change must draw on input, buy-in and partnership with a wide range of stakeholders, including the devolved administrations, industry, civil society, regulators, institutions, and academics. This must include national and local bodies, manufacturers, designers and developers, individuals and communities. All of these represent a wealth of knowledge, experience and hold key positions of responsibility that we must harness to deliver successful reform.
- 12.5. To that end, the government will undertake a proactive process of engagement and consultation across the system to inform policy making. Government will work with a wide range of industry stakeholders representing diverse interests and communities affected by historic examples of unsafe construction products on the market. Engagement will inform the development of our reform proposals, ensure real-world implications are understood, and will also seek to facilitate culture change by industry.
- 12.6. Engagement will take place throughout the consultation period from 26 February 2025 to 21 May 2025 and will be considered as key data alongside formal responses to the consultation.

Transitional considerations

- 12.7. The reforms proposed in this green paper are significant in size and scale and will necessarily need to be delivered over the medium to longer term to ensure they are effective. The government recognises that affected businesses would require an appropriate grace period in which to bring their practices and products in line with any new requirements, and that further industry engagement would be required to ensure optimum sequencing of any measures introduced. This is essential to support a smooth transition to a new regime and therefore any changes would incorporate appropriate transitional arrangements.
- 12.8. However, we also recognise that the need to start the journey to reform is urgent. The findings of the Inquiry, as well as the Morrell-Day Review and the Hackitt Review, are a clear call to action now and over the coming years.
- 12.9. We would welcome further engagement from across the sector to support us in seeking to ensure the optimum sequencing and speed across all measures and a smooth transition to the new regime, particularly as part of our stakeholder engagement events during the consultation period. We want to implement our reforms at the earliest opportunity while avoiding regulatory gaps, unintended consequences, or uncertainty for businesses and more widely. As part of our engagement, we will explore lead in times that allow the industry sufficient opportunity to prepare to meet these reforms and ensure a smooth transition. We expect the industry to demonstrate expedience in this regard, making public safety the highest priority.
- 12.10. Details of how to respond to this consultation can be found at the beginning of this document immediately following the contents page.



Part C

Annexes

Annex A: List of questions

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 2: An Overview of the Problems	Conclusion	1.	Do you agree with this problem definition? [Yes/No]. Please explain your answer.
		2.	Are there particular functions that the sector does well and should be protected or encouraged? [Yes/No]. Please explain your answer.
Chapter 3: Our Vision of Reform	Overlap with other regulatory regimes	3.	What, if any, other potential overlapping rules, regulations or guidance should we consider when designing the construction products regulatory regime?
Chapter 5: Scope and Definitions of Reform	Definition of a construction product and who should be responsible for safety	4.	Do you agree that the UK should adopt a definition that is consistent with the revised EU-CPR, for construction products in the UK regulatory regime? [Yes/No]. Please explain your answer.
		5.	Is there a need to further clarify the regulatory approach to systems of products and or Modern Methods of Construction [Yes/No]. Please explain your answer and propose any additional clarifications.
		6.	Does the proposed definition of ‘economic operator’ capture all of those who are responsible for ensuring that products are safe when they are placed on the market? [Yes/No]. Please explain your answer.
Chapter 6: Product Requirements – A Regulatory Approach Based on Safety Risk	Product requirements overview	7.	Would the approach detailed above enable a proportionate approach to regulating the safety of products not covered by a designated standard or subject to a technical assessment? [Yes/No]. What other approaches could be taken, drawing on evidence from EU Member States where relevant.

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 6 (cont): Product Requirements – A Regulatory Approach Based on Safety Risk		8.	What are the implications, if any, that could arise from introducing obligations on importers and distributors to check product information and associated responsibility for the storage and transportation of construction products under a general safety requirement? If there are any implications, how could they be mitigated and managed?
		9.	What role should technical assessment play in a future regime?
		10.	What requirements should apply to products and systems that are critical to safe construction?
	Strengthening obligations on how products are selected and installed for all products	11.	What types of requirements could be placed on those responsible for building works to enable them to meet safety obligations in relation to the specification, selection and installation of construction products?
		12.	What, if any, significant implications are there from implementing safety requirements for the specification, selection and installation of construction products and how could they be managed?
		13.	What other regulatory regimes and measures exist to support the safe installation of products in civil engineering works? Are there any duplications or gaps?
	Voluntary routes for placing products on the market	14.	Do you agree that minimum requirements for third-party certification should be required? [Yes/No]. Please explain your answer.
		15.	Should upfront approval from the national regulator be required for third-party certification schemes? [Yes/No]. Please explain your answer.
		16.	What could help increase the take-up of these types of schemes?
	Product information and labelling	17.	What information would support you to choose the best product that will be safe in its intended use and its normal or reasonably foreseeable conditions of use?

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 6 (cont): Product Requirements – A Regulatory Approach Based on Safety Risk	Marketing	18.	Are you aware of instances where current marketing legislation has been insufficient to take action against misleading marketing practices? [Yes/No]. If yes, please provide details.
		19.	How is industry addressing gaps in construction product installation competence?
	Installation skills (including advice from manufacturers)	20.	What more can be done to support the improvement of competence in the construction products industry?
Chapter 7: Clear accessible information	Inquiry recommendations	21.	What test information is necessary to facilitate appropriate selection, safe installation, and to demonstrate that claims made can be evidenced?
		22.	What, if any, significant constraints might prevent disclosure of all test data and how could they be mitigated?
		23.	What information would it be useful to include on a construction library and who would it benefit?
	Digital solutions	24.	What benefits or challenges could digital labelling or EU Digital Product Passports bring?
	Traceability	25.	Are the proposals we have outlined to improve access to product information enough to support traceability? [Yes/No]. Please explain your answer.
	Product marking	26.	Should digital labelling be available as an alternative to the UKCA mark? [Yes/No]. Please explain your answer.
		27.	Is there a role for government in establishing voluntary product marks, for example to demonstrate a higher standard has been met? [Yes/No]. Please explain your answer.

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 8: Assurance and Oversight of Testing and Conformity Assessment	Conformity assessment and accreditation	28.	Do you consider that the measures set out above would provide sufficient oversight of conformity assessment? [Yes/No]. Please propose any further measures you consider may be necessary.
		29.	Should the government have the ability to recognise conformity assessment activity undertaken by CABs established outside of the UK? [Yes/No]. Please explain your answer.
		30.	What support do UK CABs need to invest, grow and improve their skills?
		31.	What more is needed to address the issues identified with respect to UKAS and the accreditation process? How do we improve the performance and oversight of UKAS?
	The British Standards Institution	32.	What are the strengths and weaknesses of the standards development process, and where could it improve?
		33.	What opportunities are there for government and the national regulator to work more collaboratively with the BSI?
		34.	Should mandatory standards be free to access? [Yes/No]. If yes, please provide suggestions on how this could be achieved, including funding.
	Research and development & public sector testing capacity	35.	Do you agree that an increase in public and private sector testing capacity is required? [Yes/No]. Please explain your answer. If yes, please include information on the gaps this might address.
		36.	What should the government's role be in supporting R&D in relation to construction products and the wider built environment?

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 9: Regulating the Market	Overview of the functions of the national regulator	37.	Do you agree with the proposed regulator functions that we have laid out? [Yes/No]. Please explain your answer.
		38.	We want to consider options for regulator cost recovery. Which of the regulator functions set out could be an opportunity for cost recovery? Please explain your answer.
	Roles and responsibilities of the regulators	39.	How much surveillance and enforcement of the construction products sector can and should LATs be responsible for? Please explain your answer.
		40.	Should National Trading Standards play a role in overseeing or supporting enforcement of the construction products regime? [Yes/No]. Please explain your answer. If yes, please include what role you think National Trading Standards should play.
		41.	Should the national regulator play a stronger role in enforcement of misleading marketing? [Yes/No]. Please explain your answer.
		42.	How could OPSS as the National Regulator for Construction Products, the Building Safety Regulator, Local Authority Trading Standards and building control bodies best join up their responsibilities and work together?
		43.	Which regulatory authorities should play a role in ensuring compliance with our proposed obligations around product use? Please explain your answer.
	Surveillance throughout the whole system	44.	Do you believe the approaches to reactive and proactive surveillance as set out will be effective in monitoring the market? [Yes/No]. Please explain your answer and note any additional approaches you think we should consider.
	Enforcement	45.	We are considering options to expand the scope of who can be liable for an offence, so that it could include individuals and associated companies. Do you agree with this proposal? [Yes/No]. Please explain your answer.

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 9 (cont): Regulating the Market	Interventions and sanctions	46.	We have set out proposed interventions and sanctions available to the national regulator. Do you think these will enable the national regulator to effectively manage non-compliance in the sector? [Yes/No]. Please explain your answer.
		47.	We have set out our intention to explore regulatory powers to limit individuals' activities in the construction sector, in line with provisions in other regulatory regimes such as food safety. Do you agree with this proposal? [Yes/No]. Please explain your answer.
		48.	What, if any, additional measures should we consider to strengthen the powers of regulatory authorities, beyond those we have outlined in this chapter?
	Civil redress	49.	If you have suffered a financial loss as a result of building safety defects, have you considered taking action to seek redress from a construction products manufacturer via sections 148 and 149 of the Building Safety Act? [Yes/No]. If yes, did you face any difficulties? Please explain your answer.
		50.	If you have suffered a financial loss as a result of building safety defects, have you considered making a claim against a manufacturer via any other available routes, such as contractual routes? [Yes/No]. If yes, did you face any difficulties? Please explain your answer.
		51.	Do you think that there are improvements that could be made to the current system to ensure that claims against manufacturers can be effectively pursued? [Yes/No]. If yes, please explain your answer.
		52.	Do you think that there is anything additional that government should do to support effective redress against construction product manufacturers? [Yes/No]. If yes, please explain your answer.

Chapter	Sub-Chapter Heading	Question Number	Question Text
Chapter 10: Environment and Sustainability	Addressing environmental aspects for products covered by a designated standard	53.	Should these environmental aspects, as reflected in the revised EU-CPR, cover products subject to a designated standard or a technical assessment? [Yes/No]. Please explain your answer.
	Products to be covered by a general safety requirement	54.	What, if any, approach might there be to measuring and/or mitigating the environmental impacts for products brought into the regulatory regime through a general safety requirement and should this be mandatory or voluntary?
	Further actions to facilitate environmental aspects of construction products reform	55.	Do you support the proposed actions above? [Yes/No]. Are there any other actions that could be taken and by whom (e.g. government/industry)? Please explain your answer.
Chapter 11: Further Evidence Requirements		56	Could you share any relevant information about the estimated size of the market as outlined in Chapter 1, and the construction products sector more broadly and its significance. If relevant to our wider reforms please refer to which part it is relevant to.
		57.	What direct or indirect costs could yourself, businesses and wider society have due to our proposed reforms?
		58.	Is there anything else you would like to inform us of, that you have not been able to through other questions in this publication?

Annex B: Key regulations that impact on the construction products sector

Regulation	Description
Consumer Protection Act 1987	Provides for civil action to be taken against the producer of a defective product, any person who has held themselves as the producer of the product, or any person who has imported the product into the United Kingdom in the course of any business.
General Product Safety Regulations 2005 (GPSR)	Provides the basis for ensuring the safety of consumer goods by setting requirements and providing a range of provisions to secure enforcement of and compliance with the requirements. The GPSR does not apply where a product is subject to sector-specific safety regulations, to the extent that the sector-specific legislation covers the same risks as the GPSR.
Business Protection from Misleading Marketing Regulations 2008	Prohibits misleading business-to-business advertising and sets out the conditions under which comparative advertisements (which are any advertisements that identify a competitor or a competitor's product) are permitted. The enforcement authorities, for the purposes of both the construction products regulations in GB and Business Protection Regulations, are the Competitions and Markets Authority and Local Authority Trading Standards (LATS) Departments in Great Britain and in Northern Ireland, the Department of Enterprise, Trade and Investment. These enforcement authorities have considerable powers – to obtain information, to make test purchases, to enter premises, and to investigate. Breach of these prohibitions amounts to a criminal offence.
Consumer Protection from Unfair Trading Regulations 2008	The Regulations apply to construction products where they are sold to consumers directly. The Regulations control unfair practices that might be used by traders when dealing with consumers. They apply to commercial practices relating to products (which include goods, services and digital content) before, during and after a contract is made. The Regulations provide a list of commercial practices that are considered to be unfair in all circumstances (for example, falsely claiming that a product is able to cure illnesses).
Construction Design and Management Regulations 2015	These regulations provide for the management of health, safety and welfare when carrying out work on a construction site, and when using construction products. They provide for various health and safety duty roles, and general duties on duty holders, including the principal designer, principal contractor, designers and contractors.

Regulation	Description
The Construction Products Regulation 2011 (Regulation (EU) No 305/2011)	Retained EU law which aims to remove technical barriers to the trade of construction products in the European single market. The construction products regulations in GB are mandatory where a standard has been ‘designated’ by the Secretary of State or where a product is subject to a technical assessment.
The Construction Products Regulation 2013	The Regulations make necessary provision for the operation in the United Kingdom of Regulation (EU) No 305/2011.
The Construction Products (Amendment etc.) (EU Exit) Regulations 2019	The Regulations correct challenges associated with the effective operation of retained EU law, and other limitations arising from the United Kingdom’s withdrawal from the European Union in the Construction Products Regulation 2011 and 2013.
The Construction Products (Amendment) (EU Exit) Regulations 2020	Regulations implementing the Windsor Framework for construction products.
The Construction Products (Amendment) Regulations 2022	These Regulations provide the Secretary of State with the existing investigatory, enforcement and prosecutorial powers available to enforcement authorities, to regulate the construction products sector.
Building Safety Act 2022	Provides powers for three new bodies: the National Regulator for Construction Products, the Building Safety Regulator, and the New Homes Ombudsman. Also provides a range of powers around the placing on the market and supply of construction products (through a general safety requirement and safety critical products); and powers for those who have incurred losses as a result of building safety defects to take action against construction product manufacturers where appropriate.
Regulation (EU) 2024/3110	The EU’s new Construction Products Regulation, published in December 2024. Its overarching objectives are to achieve a well-functioning single market for construction products, and to contribute to the objectives of the European Green deal. Underpinning objectives include ensuring construction products are safe, improving enforcement and market surveillance and reducing the climate and environmental impact of construction products.

Annex C: Summary of responses to review recommendations for construction products reform

Independent Review of the Construction Product Testing Regime (Morrell-Day Review)

<https://www.gov.uk/government/publications/independent-review-of-the-construction-product-testing-regime>

Recommendation	Summary of government response
Category: Legislation and Guidance (1.1) Promoting Understanding (1.2, 1.3 and 1.4)	
1. Complexity: to improve the accessibility of legislation and guidance, and to promote understanding of the regime for the regulation and assessment of construction products <ul style="list-style-type: none"> 1.1 Government to use the opportunity of bringing in secondary legislation relating to construction products to consolidate the relevant legislation as much as possible; or alternatively to publish an unofficial consolidation that brings all such Construction Products Regulations (as they will exist after implementation of the secondary legislation) into a single document. 1.2 Government and industry to publish and keep updated a comprehensive guide, in plain language, describing the conformity assessment processes prescribed in the Construction Products Regulations. Industry to include in built environment education courses a general understanding of the conformity assessment process across the industry and its importance in product selection and design. 1.3 Industry to promote awareness and understanding of the conformity assessment process across the industry, at levels of detail appropriate to different functions within the supply chain, with particular reference to the responsibilities and requirements of dutyholders. 	<p>We support the call for less complexity in the construction products regulatory regime. We are consulting on the ways that the system can be simplified to encourage good practice.</p> <p>We agree that the legislation and guidance should be easy to understand to support compliance and we intend to work with the industry to promote awareness and understanding. This will be considered as part of implementation of any reforms.</p> <p>We recognise that the current regime is a fragmented and complex regulatory framework, which fails to deter or hold to account bad actors who undermine the system, and most importantly fails resident users and communities who should expect safe products in their homes and buildings.</p> <p>The government is working alongside the Industry Competence Steering Group's Working Group 2 to develop guidance on competency frameworks and to promote key initiatives that bolster capacity, for example the introduction of an accredited Rain Screen Façade installation training pilot.</p>

Recommendation	Summary of government response
Category: Testing Capacity	
<p>2. Capacity: to address the inadequacy of testing capacity to meet the projected growth in demand as a consequence of the end of recognition of CE marking and changes to the Construction Products Regulations</p> <p>2.1 Government to develop a clearer understanding of the existing capacity of the Conformity Assessment Bodies to meet current and predicted demand for conformity assessment and testing services (regulatory and voluntary) for all product families.</p> <p>2.2 Government to take action to relieve current pressures on the testing market as the industry transitions to UKCA marking. This could include (either for all products or for those with an acknowledged capacity problem):-</p> <p>(1) extending the ability to make a straight conversion of CE marking to UKCA marking (or simply continue to accept CE marking) beyond 31 December 2022;</p> <p>(2) allowing use of overseas laboratories if (for example) the laboratory is accredited by UKAS or an Accreditation Body covered by the ILAC Arrangement.</p> <p>2.3 Government and industry to investigate the potential for alternative technologies (AI, digital modelling etc), on their own or in conjunction with physical testing, to reduce or eliminate the requirement for physical testing, without reducing the reliability of the data provided.</p>	<p>We accept that there is a shortage of capacity and advanced skills amongst UK conformity assessment bodies (CABs).</p> <p>We recognise the need for action to relieve current pressures: CE marking will continue to be recognised, and we are seeking views in this green paper on whether the government have the ability to recognise conformity assessment activity undertaken by CABs established outside of the UK.</p> <p>We also recognise that any new requirements may place greater pressure on the services of UK CABs. We are seeking views and evidence on how conformity assessment could be improved and made more transparent and exploring ways to build UK CAB capacity.</p> <p>We are proposing a greater degree of self-regulation by the CABs themselves, with oversight from UKAS and the national regulator, to support the sharing of best practice and interpretation of guidance.</p> <p>Our proposals to improve testing capacity include considering the option for conformity assessment external to the UK to be recognised to meet demand. We are also seeking views on potential alternatives to the UKCA marking.</p>

Recommendation	Summary of government response
Category: General Safety Requirement	
<p>3. General safety requirement: to bring products currently outside the Construction Products Regulations into the regulatory regime in an effective and proportionate way</p> <p>3.1 Government to publish a fact sheet on the interpretation, operation and enforcement of the general safety requirement to demonstrate how the complications noted in this review, and any others arising from consultation, can be addressed to ensure that the requirement will be both effective and proportionate.</p> <p>3.2 Government to frame the requirement so that</p> <ol style="list-style-type: none"> (1) manufacturers have “reasonable skill and care” defences against an allegation of breach, at least equivalent to those available under the General Product Safety Regulations; (2) enforcement agencies have a reasonable prospect of identifying a breach, ideally in prospect, and then of successful prosecution, so the deterrent is an effective one; (3) similarly, that anyone with a right to bring a civil claim has a reasonable prospect of identifying a breach, and then bringing a successful claim; (4) the allocation of risk is consistently treated through the life cycle of the product, with the duties and potential sanctions imposed on those who manufacture a product bearing a logical relationship to the duties and sanctions imposed on those who design, construct and occupy a building; (5) the manufacturer’s liabilities are insurable, absent a criminal offence <p>3.3 Government and industry to explore the practicality of developing standards and guidance which support the general safety requirement.</p> <p>3.4 Government to review the specific effectiveness of the general safety requirement after five years, as part of the review of the regulatory environment generally, including confirmation that the cost of compliance is demonstrably proportionate to the benefit.</p>	<p>We agree that all construction products should be brought within the regulatory regime, and are consulting on proposals for a general safety requirement.</p> <p>We are seeking views on how this can be done in an effective and proportionate way.</p> <p>We are proposing that requirements are placed on economic operators at various stages of the supply chain in relation to:</p> <ul style="list-style-type: none"> • Assessment of safety risks by manufacturers • Appropriate and clear product information and labelling • Storage and transportation of products <p>We also invite views on the powers of the national regulator to enable it to carry out its responsibilities effectively and enforce compliance of the general safety requirement.</p>

Recommendation	Summary of government response
Category: Safety Critical	
<p>4. Safety-critical products: to increase the focus on products essential to (and in the context of) safety-critical construction</p> <p>4.1 Government to publish a fact sheet on the interpretation, operation and enforcement of provisions relating to safety-critical products to demonstrate how the complications noted in this review, and any others arising from consultation, can be addressed to ensure that the provisions will be both effective and proportionate.</p> <p>4.2 Government to list products (or products marketed as a system) as “safety-critical” in the context of safety-critical construction, the safety function of the product, its susceptibility to fault or failure, and the consequences of failure – with all products or systems meeting the criteria for listing being listed as safety-critical, whether or not covered by a designated standard. Government to mandate that safety-critical products or systems are subjected to the most stringent level of conformity assessment that is practical for the particular product or system.</p> <p>4.3 Government and industry to examine the practicality and implications of producing an inventory or directory of “safety-critical” products and systems.</p>	<p>We accept that additional measures are required to strengthen safety requirements on products where there is a risk of serious harm if something goes wrong, and that the focus should be on “products critical to safe construction.”</p> <p>We are therefore consulting on proposals for additional requirements for products critical to safe construction, to make sure products are used and installed properly in construction.</p> <p>We invite views on the role and powers of the national regulator, including the approach of how a product or system is defined as critical to safe construction, and the oversight and effective enforcement of any additional requirements on products critical to safe construction.</p>

Recommendation	Summary of government response
Category: Strengthening UKAS's Role in Accreditation	
<p>5. Accreditation: to strengthen the role of UKAS in the accreditation process</p> <p>5.1 Government to review UKAS's oversight role with a view to strengthening it by, for example:-</p> <ul style="list-style-type: none"> (1) the use of unannounced inspection; (2) commissioning independent expert reviews of certification reports on a random sample basis or where specific concerns have been raised. (3) other means found effective in other sectors or in other countries. <p>5.2 Government to require from UKAS a formal report on lessons to be learned from the events leading up to the fire at Grenfell Tower.</p> <p>5.3 Government to require from UKAS an annual report to Government that brings together learning from the audits of the CABs, both in respect of the CABs themselves and the standards and processes they work to.</p> <p>Government to review UKAS's function in respect of the conformity assessment of construction products with a view to establishing a more ambitious, strategic role addressing the health of the market, capacity, consistency, shared learning, independence and impartiality, the effectiveness of oversight and UKAS's future governance and relationship with Government.</p>	<p>We agree that the role of UKAS should be strengthened and we are seeking views on a range of potential options, alongside an enhanced role for the national regulator.</p> <p>Building on the work of the Morrell-Day Review, we are proposing that UKAS would be subject to performance management by the national regulator, with set objectives and priorities, and have obligations to provide the national regulator with regular reports and share wider intelligence. In addition, we want to see an increase in unannounced inspections, audits and sharing evidence of poor behaviour of CABs with the national regulator.</p> <p>We want UKAS to focus on delivering that specific, relatively narrow, function of accrediting CABs effectively and impartially, alongside robust oversight and enforcement by the national regulator. To support this, we are particularly seeking views on how UKAS and the regulator should share information and work together to provide assurance on conformity assessments and support safe products.</p>

Recommendation	Summary of government response
Category: UK Standards	
<p>6. Standards: to address the coverage, quality and oversight of UK standards</p> <p>6.1 Government to satisfy itself that BSI is free to act on mandates to develop or revise standards required as a UK national priority, unconstrained by the rules for CEN/CENELEC membership.</p> <p>6.2 Government to set and publish terms of reference and modus operandi for the proposed Construction Products Standards Committee, to include providing continuing oversight of the effectiveness of product testing standards.</p> <p>6.3 Government to establish a prioritisation system and, by reference to it, to undertake a prioritised review of critical missing or inconsistent product standards, or standards where compliance does not achieve a desired regulatory outcome.</p> <p>6.4 Government to mandate BSI to facilitate the revision of existing or development of new standards in accordance with the established priorities.</p> <p>6.5 BSI to develop a navigation framework to enable users to identify and locate standards relevant to their work, and to confirm their current status; and to put in place the means of keeping the prioritisation framework up to date.</p> <p>6.6 Government to commission and fund the development or updating of regulatory product standards critical to safety, with the research and drafting groundwork to be commissioned from independent experts under the direction of a steering group of relevant stakeholders.</p> <p>6.7 Subject to the line taken in relation to recommendation 6.6, Government and BSI to consider the longer-term funding model for the development, publication and continuing review/updating of regulatory standards.</p> <p>Government to reassure itself that the 17000 series standards by which the accreditation process itself is implemented and assessed remain fit for purpose, and are consistent with the requirements of the Construction Products Regulations as they will exist after implementation of the secondary legislation proposed under the Building Safety Act.</p>	<p>We agree with the recommendation that there is a need to address the coverage, quality and oversight of standards.</p> <p>We have set out proposals for enhanced oversight of standards and are seeking views on how priorities and activities are better aligned to support our shared objective to support a safer built environment. This includes:</p> <p><i>Government relationship with the BSI</i></p> <ul style="list-style-type: none"> • a more structured relationship with BSI look at introducing a structured forum for strategic engagement with the BSI, the regulator and government that facilitates the space for collaborative working; • introduce the practice of an annual exchange of letters enabling MHCLG/ government to set out its priorities for the year ahead and to invite the BSI to provide an overview of its activities in relation to standards; • an increased role for the national regulator or government to engage with the BSI to support reviews of the BSI's standards based on risk and priority. <p><i>Access to Standards</i></p> <ul style="list-style-type: none"> • considering if and how mandatory standards should be free to access for those obliged to follow that standard. <p><i>Transparency</i></p> <ul style="list-style-type: none"> • explore how BSI could strengthen citizen representation on its standards committees to help ensure a broader diversity of view; • reviewing transparency around how drafting panels and technical committees reach decisions.

Recommendation	Summary of government response
Category: Testing Products that are Assembled into Systems	
<p>7. Systems testing: to strengthen understanding and application of testing products assembled into systems</p> <p>7.1 Government to consider where, on the basis of the analysis of safety-critical construction, there is a necessary and practical regulatory requirement for additional systems testing, with particular reference to the behaviour of external cladding systems in fire, and publish its findings.</p> <p>7.2 Government and industry to address the special requirements of Modern Methods of Construction, in terms of standards, regulation and regulatory oversight.</p>	<p>We agree that reforms must consider systems of products and that the accountability for ensuring safety must be clear at every stage.</p> <p>To take this forward we are proposing a broad definition of construction products that includes systems of products that are made up of multiple individual parts which are themselves distinct products, including prefabricated units developed through Modern Methods of Construction (MMC).</p>

Recommendation	Summary of government response
Category: Conformity Assessment	
<p>8. Conformity Assessment (Approved Bodies): to restore the outcome of the conformity assessment process as a public good</p> <p>8.1 Government formally to adopt all existing current CPR-GNB guidance notes, and set out plans for reviewing and updating the notes and for producing new guidance in the future.</p> <p>8.2 Government and Approved Bodies to finalise terms of reference for a UK group of Approved Bodies and the means of funding its activities, including the support of a technical and administrative secretariat.</p> <p>8.3 Government to require Approved Bodies to declare to UKAS any cases in which they are providing consulting or other services not related to conformity assessment to customers for whom they are also conducting conformity assessment, and the measures put in place to manage any conflict of interest.</p> <p>8.4 Government to impose upon Approved Bodies a duty to inform the Regulator where there is good reason to suspect that a manufacturer is “shopping around” for a test pass; or is misrepresenting the conclusions of the conformity assessment process in the Declaration of Performance, any related product information or other marketing material; or is manipulating the system in any other way that could undermine confidence in its outcome. Government to require Approved Bodies to withhold or suspend a product’s certificate if they become aware of any inaccuracies in a Declaration of Performance, until such inaccuracies are corrected.</p> <p>8.5 Government to create a statutory duty upon Approved Bodies to act in the public interest in the conduct of the conformity assessment process and to ensure there are effective enforcement remedies for a failure to do so.</p> <p>8.6 Government, UKAS and CABs to consider whether any functions of the Oversight Committee recommended to oversee the conduct of voluntary third-party certification schemes (see recommendation 14.2) might usefully and appropriately be extended to the regulatory conformity assessment process.</p>	<p>We agree that CABs should be required to operate in the public interest,</p> <p>We are proposing that all CABs must be licenced by the national regulator to be able to operate. We are also seeking views on introducing statutory code for all CABs. This could require CABs to meet industry best practice, act independently, make robust assessments, act in the public interest, ensure their technicians are trained appropriately and warn the national regulator of fraudulent manufacturers.</p> <p>To address the lack of transparency, CABs in the construction products sector would be subject to mandatory reporting requirements, for example via an annual report to the national regulator summarising its activities, and remedial action taken. We are also proposing regular data reporting to the regulator, some of which could be included in a construction library.</p>

Recommendation	Summary of government response
Category: Conformity Assessment	
<p>9. Conformity Assessment (Manufacturers): to ensure Approved Bodies are provided with all relevant information when making an assessment</p> <p>9.1 Government to place a duty on manufacturers to:</p> <ol style="list-style-type: none"> (1) declare to the Approved Body the testing history of a product, including failed tests and developments made to the product since the failure; (2) confirm whether any other testing is planned in parallel; (3) ensure that samples delivered for testing are as selected by the Approved Body; (4) produce full specifications and drawings of test rigs (where relevant), and arrange for delivery notes to accompany all materials delivered for the purposes of testing; and (5) re-submit for testing a sample selected by the Approved Body from series production where a certificate has been based on testing a prototype. <p>9.2 Government also to place a duty on manufacturers to notify the Approved Body that issued the certificate whenever a potentially material change has been made to the specification or manufacture of the product.</p>	<p>We agree that manufacturers should be required to notify CABs where there has been a material change to the manufacturing process for a product, and that CABs should be provided with all relevant information to support the conformity assessment process. We will consider this further as we develop proposals for reform.</p> <p>Building on the recommendation in the Morrell-Day Review, we are proposing that manufacturers should provide the CAB with any information on past tests that may be relevant to preparing and undertaking conformity assessment activity.</p>

Recommendation	Summary of government response
Category: Conformity Assessment	
<p>10. Conformity Assessment (the Assessment and Verification of Constancy of Performance system): both to simplify and strengthen the AVCP system</p> <p>10.1 Government and industry to review the AVCP system in general, with a view to simplifying it, considering:</p> <ol style="list-style-type: none"> (1) the criteria for allocation of products and their essential characteristics to system levels; (2) the actual allocation of products/essential characteristics to system levels; (3) whether the existing five levels and the actions at each level are also necessary and adequate; and (4) how responsibility for the actions should be allocated between manufacturers and Approved Bodies. <p>10.2 More specific recommendations to be addressed are:-</p> <ol style="list-style-type: none"> (1) removing AVCP system level 4 from the regulatory conformity assessment process; (2) eliminating the simplified procedure by which micro businesses can opt for products which should otherwise be assessed at AVCP system level 3 to be assessed instead at level 4; (3) going further, removing AVCP system level 3 from the regulatory conformity assessment process (or, if it is to be retained, establishing a template for system level 3 and requiring sample selection by Approved Bodies); (4) going further still, removing all products from the regulatory conformity assessment process except for safety-critical products; and (5) introducing initial testing at level 2+ and series production testing at levels 2+ and 1 (in addition to 1+), where practical given the nature of the product. 	<p>We recognise the need for the systems of assessment and verification to be improved.</p> <p>We are proposing consistency with the new assessment and verification systems introduced under the EU's reforms.</p> <p>Alongside this, we are proposing additional measures to strengthen safety requirements on products critical to safe construction, and for all products in terms of how they are selected and installed.</p> <p>We are also proposing minimum requirements that would apply to all third-party certification schemes.</p>

Recommendation	Summary of government response
Category: Certification of Products and Publication of Test Data	
<p>11. AVCP documentation: to ensure the transparency and accessibility of assessment documentation</p> <p>11.1 Subject to recommendations 11.2-4, manufacturers to be required to make available the full suite of documentation that supports the Declaration of Performance.</p> <p>11.2 Government, the Approved Bodies and industry to consider whether it is possible to include in certificates and classification reports all information derived from testing that is necessary to support the claims made in the Declaration of Performance, provide a reliable baseline to identify future changes in composition or manufacture, and meet the information requirements of subsequent dutyholders.</p> <p>11.3 If that is not possible, manufacturers to be required to publish readily accessible test reports in full.</p> <p>11.4 If there are good reasons why full test reports should not be published, the reports should be held in the joint ownership of the Approved Body and the manufacturer to protect proprietary information, but with an obligation to disclose them to the Construction Products Regulator, given reasonable cause</p> <p>Government, the Approved Bodies and industry to develop a coordinated and standardised suite of documentation, comprising certification and classification report (where relevant), Declaration of Performance and product information, to be adopted by all Approved Bodies and manufacturers. Any variations made necessary by the specifics of the products should then also be standardised, per product or family of products.</p>	<p>We accept the recommendation that there must be transparency and accessibility of assessment documentation, to support product users to make good product choices.</p> <p>To deliver this, we are setting out our expectation that test results be made available. Any claims made about a product's performance, including statements about its suitability for use in certain situations, must be clear, honest, and evidenced.</p> <p>Test results relied on when placing a product on the market should be accessible and free of charge to those selecting and using the product. Further, the national regulator must have powers to mandate disclosure of any information relating to the testing process that it considers necessary to assure itself that a product complies with the law.</p> <p>We are clear that it is the responsibility of manufacturers, distributors and other economic operators to provide the information to demonstrate this. We are seeking to understand if there are any constraints to this.</p>
Category: Declaration of Performance	
<p>12. The Declaration of Performance: to provide verified and consistent product information to all of those relying on the assessment process</p> <p>12.1 Government and industry to explore the practicality and proportionality of requiring a Declaration of Performance for all products.</p>	<p>We agree that product information is an important component of the assessment process to support the safe selection and use of products and we would welcome views on requiring a DOP for all products. Accurate product information will also support the national regulator in its enforcement role.</p>

Recommendation	Summary of government response
Category: Technical Assessment	
<p>13. Technical Assessment: to provide a route to market for innovative products</p> <p>13.1 Government and the UK Technical Assessment Bodies to resolve the future of the Technical Assessment route to UKCA marking.</p> <p>13.2 In particular, Government and the UK TABS to establish the practicality and sustainability of providing a route to market for safety-critical products for which there is no designated standard</p>	<p>We agree that the technical assessment process can have an important part to play in the future regime, and that this includes bringing innovative products to market. We are seeking views from TABs, their customers and more widely as to the future role of technical assessment under our reforms.</p>
Category: Third-Party Certification	
<p>14. Voluntary third-party certification: to increase the scope and ensure the rigour of third-party certification schemes</p> <p>14.1 Government and industry to develop a plan to increase the operation of voluntary third-party schemes for non-safety-critical construction products, to include:</p> <ul style="list-style-type: none"> (1) a survey of the schemes that currently exist; (2) the scope and appetite for those schemes to be brought under a common set of principles designed to introduce consistency and rigour, and the agreement of those principles; (3) the potential for additional schemes to be brought forward, and the incentive both for creating and subscribing to them, including the possibility of Government endorsement; (4) how schemes might be modified or developed from scratch, and by whom. <p>14.2 UKAS/CABs to establish a national Oversight Committee to oversee CABs' activities in the conduct of voluntary third-party certification schemes, in order to advise on the need for and quality of schemes, to respond to concerns about any evidence of a lack of impartiality in the process, and to provide a right of appeal against decisions made in that process</p>	<p>We accept that there is a need to increase the scope and ensure the rigour of third-party certification schemes.</p> <p>We agree that these schemes have an important role to play in verifying product performance and can provide an industry led assurance to the regulatory regime that in turn provides opportunities for shared learning and improvement, in addition to public protection.</p> <p>We are seeking views on whether there is merit in introducing minimum requirements that apply to all third-party certification schemes and increasing oversight by the national regulator.</p> <p>Views are also being sought on how to increase the use of third-party certification schemes across industry.</p>

Recommendation	Summary of government response
Category: Product Information and Labelling/Marketing	
<p>15. Marketing and the Code for Construction Product Information: to ensure the production of clear, accurate, honest and accessible product information</p> <p>15.1 Industry to work together to encourage take-up of the Code for Construction Product Information, in terms of manufacturers signing up and specifiers/procurers taking note of signing up in product selection.</p> <p>15.2 Government and industry to consider whether and how the Code and third-party certification could best work together to achieve their shared objectives.</p> <p>15.3 Government and industry to consider how the Code could perform a recognised -regulatory function comparable to the Code of Advertising Practice</p>	<p>We agree that that manufacturers must take responsibility for marketing their products in a clear and honest manner. We are seeking views on whether more is needed to support accurate marketing and facilitate clear, consistent and current product information, including the role that the national regulator will play in enforcing any requirements.</p> <p>We recognise that industry has already taken forward work to establish principles and details of good product information, and encourage the take-up of initiatives such as the Code for Construction Product Information (CCPI).</p> <p>We are interested in exploring how the CCPI might encourage industry to comply with regulatory functions to better support marketing practices.</p>

Recommendation	Summary of government response
Category: Labelling, Traceability and the Golden Thread	
<p>16. Labelling, traceability and the golden thread: to develop standards and protocols for product labelling and traceability, the management of information via the golden thread, and the control of product substitution</p> <p>16.1 Government and industry to develop a framework standard for a consistent labelling and traceability system for products, within which methods appropriate to the nature of each product can be developed, and incorporated in product standards.</p> <p>16.2 Re the golden thread, Government and industry to:</p> <ol style="list-style-type: none"> (1) set digital standards that, to the greatest possible degree, conform to standards likely to be adopted for wider use in the digitalisation of the construction industry; (2) establish protocols by which product information can be filtered and introduced into the golden thread so that it meets the needs of successive dutyholders without overwhelming them with extraneous material which obscures the essential information; (3) make provision within those protocols for the transfer and protection of information necessary for retrospective traceability; (4) consider those protocols in the context of wider information needs through the supply chain and the product/building life cycle, so that the gathering of information required for the golden thread can begin at any time from the product being made available on the market. <p>16.3 Government to develop statutory mechanisms to manage product substitution, and make clear where responsibility for all the implications of substitution falls.</p>	<p>We are exploring options to ensure greater access to clear product information, including more consistent labelling, so that products are used appropriately.</p> <p>Product information and labelling must support those designing and building to choose the right products for their purpose, including when combining products into systems or choosing substitute products.</p> <p>We are interested in views about whether and how product traceability would best work for the construction products sector.</p> <p>We recognise that there are a number of initiatives within the construction industry that are providing digital solutions to trace products and are keen to gather evidence on emerging digital opportunities.</p> <p>We are proposing to establish a construction library. We think the library could fulfil a valuable role as a trusted source for all those that need access to information about the safe and appropriate use of products, whether that's the national regulator, industry professionals or the general public. We are exploring how best to facilitate this.</p> <p>We want to ensure that our reform objectives are consistent with EU proposals. We are seeking views on EU Digital Product Passports and whether a wider range of products should be included within a digital passport system.</p>

Recommendation	Summary of government response
Category: Contractor Licensing Scheme	
<p>17. Competence: to address the particular competence requirements for complex, higher-risk buildings</p> <p>17.1 Government to review the effectiveness of main contractor licensing schemes elsewhere in the world, lessons learned and the implications of introducing such a scheme in the UK.</p> <p>17.2 More specifically, Government to consider licensing as a formalisation of the competency requirements of a Principal Contractor on higher-risk buildings</p>	<p>We agree that more is needed to drive competence, and to provide a pipeline of suitably qualified professionals for the housing and construction market with the right skills.</p> <p>We are consulting on whether manufacturers' duties under products critical to safe construction would include requirements to ensure correct installation and assure the product's performance on an ongoing basis, when on the market, for example via internal production control in the manufacturing plant. These requirements could include training of competent installers. We are also seeking views on the role of regulators to enforce compliance with such requirements.</p> <p>In addition, we are considering how to strengthen the duty holder and competence requirements for those who undertake design work and construction work on all buildings, including complex higher-risk buildings.</p> <p>The government will consider how we can make use of further regulations, such as the in use general safety regulations to strengthen its objective of safe installation.</p> <p>We welcome the action being taken by industry to address skills and competency deficiencies in the construction industry and we are considering ways of supporting installer competence. This could be specific training for those that are responsible for selecting appropriate construction products, installers and supervisors.</p>

Recommendation	Summary of government response
Category: Surveillance and Enforcement	
<p>18. Surveillance and enforcement: to strengthen and support the surveillance and enforcement regime, to ensure fair competition and the conformity of products on the market</p> <p>18.1 Government to ensure active and effective enforcement under the new regulatory regime for products, backed by adequate and trained resources, communicated with such clarity as to persuade manufacturers and others in the product supply chain that breaches of duty will have real consequences, and that competition (including competition from imports) will be conducted on a level playing field.</p> <p>18.2 Government to develop a sector-specific, publicly accessible database that lists products known not to comply with the conditions for being placed on the market, or for which claims are made that cannot be verified. Industry and its trade associations to provide leadership for manufacturers to aid and support compliance with regulatory requirements, and to work closely with the Regulator with the same objective and in taking corrective action where required.</p>	<p>We agree that government must ensure active and effective enforcement under the new regulatory regime. Some changes have already been introduced to strengthen the enforcement of construction products regulation, including the establishment of the National Regulator for Construction Products (NRCP) within the Office for Product Safety and Standards (OPSS). However, we recognise that there is more to do.</p> <p>We have set out potential functions of the national regulator in line with proposals on product performance requirements, and we are seeking views on whether this represents an appropriate and effective enforcement role for the regulator.</p> <p>We also agree with the need to provide better and clearer information about products. We accept the recommendation in the Phase 2 Inquiry report to establish a construction library as a trusted source for all those that need access to information about the safe and appropriate use of products. We are exploring how best to facilitate the library, including the role of the national regulator and regulatory and enforcement information within it.</p> <p>We are seeking views on the powers of the national regulator to enable it to carry out its responsibilities effectively and enforce compliance. This includes investigatory powers for surveillance as well as intervention powers, and sanctions to act when non-compliance is identified. We are also consulting on expanding the scope of an offence in line with the new regime, to include individuals responsible for company behaviour and associated companies.</p> <p>Recognising the actions of the construction product manufacturers named in the Grenfell Inquiry, we are also reviewing current redress routes, including section 148 and 149 of the Building Safety Act, to ensure they support recovery of costs from</p>

Recommendation	Summary of government response
	<p>construction product manufacturers where necessary. If we identify any gaps or issues, we will consider the best way to address this, including considering whether government should intervene.</p> <p>We also agree that industry have a leadership role to aid compliance and work with the regulator.</p>
Category: Public Procurement	
<p>19. Public procurement: for Government to use public sector buying power as an incentive to adopt best practice in securing product and building safety</p> <p>19.1 Government to declare whether the following could be included in the selection criteria for Government procurement, subject to meeting certain conditions; and to agree those conditions with the industry, together with the evidence required to demonstrate that they have been satisfied and an agreed programme for the exercise:</p> <ul style="list-style-type: none"> (1) bidders demonstrating how they propose to produce safe building outcomes, approaching the building as a system; (2) bidders committing to specify and procure products from suppliers who are committed to complying with the Code for Construction Product Information; and (3) bidders committing to cultural behaviours consistent with the Building A Safer Future Charter and to verification. <p>19.2 Government to make as a condition of its funding to local authorities, executive agencies and other arm's length bodies the use of the same criteria in their procurement processes for construction services.</p>	<p>We agree that government has significant influence through its buying power to make sure that the industry is prioritising safe and high-quality outcomes.</p> <p>As part of this, we will continue to support the use of the Common Assessment Standard for pre-qualification, which can enable firms to demonstrate the competence and capability to meet the requirements of the regulations. Contracting authorities are able to set conditions of participation, which are proportionate, including standards and request evidence to ensure that these have been met.</p> <p>Furthermore, where a supplier might pose a risk to procurement, the Procurement Act 2023 will go live on 24 February 2025. The Act strengthens the rules around excluding suppliers, allowing government to take stronger and broader action in relation to supplier misconduct which we will, where appropriate, utilise to effectively hold organisations to account. It will enable us to investigate suppliers, and, if certain grounds are met, to add their names to a published and centrally managed debarment list, which must be taken into account by contracting authorities across the public sector in awarding new contracts and undertaking new procurements.</p>

Recommendation	Summary of government response
Category: Engagement with Industry	
<p>20. Engagement with industry: to create a shared road map for the practical steps ahead to drive forward change</p> <p>20.1 Government to make a plan with the industry for it to take up a leadership position, effectively taking responsibility for the non-statutory/regulatory aspects of the Building Safety Programme, and co-ordinating a programme to put in place everything necessary to give effect to the objectives of the Building Safety Act and the recommendations of this report</p> <p>20.2 Government to call for a six-monthly report to the Secretary of State recording progress against the agreed programme of work.</p> <p>20.3 Government and industry to explore how an authoritative body of knowledge re the behaviour of buildings in fire, and other matters relating to building safety, can be brought together and made accessible to those responsible for designing, constructing and operating buildings safely.</p> <p>20.4 Government and industry to put in place an organisational structure that is capable of receiving, recording and disseminating feedback in respect of matters of building safety, so that such feedback can lead to lessons learned and to plans for action.</p>	<p>We recognise the need to engage with industry and all relevant interests as we build evidence, listen to views, and further develop proposals.</p> <p>We are exploring views on the role that a construction library could play to support the safe and appropriate use of products</p> <p>The formal green paper consultation includes a period of active engagement to inform policy making across the system.</p>

Independent Review of Building Regulations and Fire Safety (Hackitt Review)

The green paper is not a formal response to the Hackitt Review. The Government response to the Independent Review of Building and Fire Safety in December 2017, May 2018 was published on 18 December 2018.

<https://www.gov.uk/government/collections/independent-review-of-building-regulations-and-fire-safety-hackitt-review>

Recommendation	Summary of government response
Category: Certification of Products and Publication of Test Data	
<p>Recommendation 7.1</p> <p>c. A clearer, more transparent and more effective specification and testing regime of construction products must be developed. This should include products as they are put together as part of a system.</p> <p>d. Clear statements on what systems products can and cannot be used for should be developed and their use made essential. This should ensure significantly reduced scope for substitution of any products used in a system without further full testing. Until such time, manufacturers should ensure that they adhere to the current limitations set out in classification reports in the current regime. The scope of testing, the application of products in systems, and the resulting implications must be more clearly communicated in plain, consistent, non-technical language.</p>	<p>We are proposing to ensure strong accountability across the testing and certification landscape, and sufficient oversight. Users of products, the wider industry and the public must be able to rely on organisations to operate impartially, with sufficient expertise, and in a way that supports the public interest.</p> <p>We have set out a broad definition of construction products that includes systems of products that are made up of multiple individual parts which are themselves distinct products, including prefabricated units developed through Modern Methods of Construction (MMC).</p> <p>We set out an expectation that test results will be made available. Test results relied on when placing a product on the market should be accessible and free of charge to those selecting and using a product. Additionally, the national regulator must be able to access the information that it considers necessary to assure itself that a product complies with the law.</p>

Recommendation	Summary of government response
Category: Safety Critical Testing	
<p>Recommendation 7.2</p> <p>a. Manufacturers must retest products that are critical to the safety of HRRBs at least every three years. Manufacturers should consider the need to test more frequently, focusing especially on the testing of products as they operate in systems rather than individual elements.</p> <p>b. The testing of products that are critical to the safety of HRRBs should be subject to independent third-party certification.</p> <p>c. The introduction of the JCA should drive the introduction of reactive testing when particular issues of concern arise regarding products installed that are critical to the safety of HRRBs.</p> <p>d. Additional test houses should be established and certified.</p> <p>e. All test houses should produce an annual report providing summary details of tests carried out and the number of passes and failures reported.</p>	<p>Transparency of Conformity Assessment Body (CAB) activities could help to provide confidence in the process and drive better outcomes through greater accountability. This includes whether CABs in the construction products sector should be required to provide information to the national regulator on a regular basis, for example via an annual report summarising its activities, risks identified, and remedial action taken.</p> <p>We are seeking views on what additional requirements should apply for products critical to safe construction.</p>
Category: UK Standards	
<p>Recommendation 7.3</p> <p>A simpler, more streamlined set of standards relating to the testing of products used in HRRBs, and the health and safety of people in and around those buildings, needs to be developed. This should ensure that where new standards are required, these are identified quickly and in the case of conflicting standards, that these are identified and reviewed.</p>	<p>We are seeking views on how the future relationship between the BSI, MHCLG and the national regulator can help ensure that priorities and activities are better aligned to support our shared objective to support a safer built environment.</p> <p>We are also seeking views on what additional requirements for products critical to safe construction should apply.</p>
Category: Continuous Improvement Innovation Quality Control	
<p>Recommendation 7.4</p> <p>Test methods and standards should be maintained under a periodic review process in order to drive continuous improvement and higher performance through the development of new test methods, and encourage innovative product and system design under better quality control.</p>	<p>Over time, activities that experts, working with other partners, could undertake relating to standards might include:</p> <p>Advising on the current suite of tests undertaken by industry and identifying opportunities for improvements;</p> <p>Advising on the commissioning of the development of new tests that can be used by existing or new materials and products to demonstrate performance;</p> <p>Identifying new technologies that could be used to support safer construction, such as computer modelling and non-destructive onsite testing.</p>

Recommendation	Summary of government response
Category: Labelling, Traceability and the Golden Thread	
<p>Recommendation 7.5</p> <p>a. The construction products industry should work together to develop and agree a consistent labelling and traceability system, making use of the digital technologies that are already available and learning from other sectors.</p> <p>The dutyholder for any given HRRB should ensure that the documentation that supports the performance claims for products and systems incorporated within the HRRB should be maintained throughout the life cycle of a building through the golden thread of building information (see Chapter 8)</p>	<p>We are proposing to establish a construction library. We think the library could fulfil a valuable role as a trusted source for all those that need access to information about the safe and appropriate use of products, whether that's the national regulator, industry professionals or the general public. We are exploring how best to facilitate this.</p> <p>We agree that a library would be an important source of information for designers of complex and high-rise buildings but think that the library should hold a broader suite of information to support our wider goal of ensuring safe products which are safely used.</p> <p>We are interested in the use of digital labels and how these could form the basis for other digital solutions.</p> <p>We want to ensure that our reform objectives are consistent with EU proposals. We are seeking views on EU Digital Product Passports and whether a wider range of products should be included within a digital passport system.</p> <p>We are interested in views about whether and how product traceability would best work for the construction products sector.</p> <p>We recognise that there are a number of initiatives within the construction industry that are providing digital solutions to trace products and are keen to gather evidence on emerging digital opportunities.</p>

Recommendation	Summary of government response
Category: Surveillance and Enforcement	
<p>Recommendation 7.6</p> <ol style="list-style-type: none"> Government should ensure that there is a more effective enforcement, complaint investigation and market surveillance regime with national oversight to cover construction product safety. Government should consider whether this could be achieved by extending the remit of the Office for Product Safety and Standards. The introduction of national level market surveillance should drive the introduction of risk-based testing of products that are critical to the safety of HRRBs. 	<p>We agree that government must ensure active and effective enforcement under the new regulatory regime. Some changes have already been introduced to strengthen the enforcement of construction products regulation, including the establishment of the National Regulator for Construction Products (NRCP) within the Office for Product Safety and Standards (OPSS). However, we recognise that there is more to do.</p> <p>We have set out potential functions of the national regulator in line with proposals on product performance requirements, and we are seeking views on whether this represents an appropriate and effective enforcement role for the regulator.</p> <p>We are seeking views on the powers of the national regulator to enable it to carry out its responsibilities effectively and enforce compliance. This includes investigatory powers for surveillance as well as intervention powers and sanctions to act when non-compliance is identified. We are also seeking views on expanding the scope of an offence in line with the new regime, to include individuals responsible for company behaviour and associated companies.</p> <p>Recognising the actions of the construction product manufacturers named in the Grenfell Inquiry, we are also reviewing current redress routes, including section 148 and 149 of the Building Safety Act, to ensure they support recovery of costs from construction product manufacturers where necessary. If we identify any gaps or issues, we will consider the best way to address this, including considering whether government should intervene.</p>

Annex D: Glossary and abbreviations

Term	Definition
Approved Bodies	An organisation approved by the Secretary of State to assess the performance of certain construction products before being placed on the market.
Approved Documents	Government approved guidance, detailing advice on how to meet the legal requirements of the building regulations for some common situations.
Assessment and Verification of Constancy of Performance (AVCP)	A harmonised system defining how to assess products and control the constancy of the assessment results.
Advisory Committee on the Microbiological Safety of Food (ACMSF)	An independent scientific committee that provides expert advice to government on microbiological issues and food.
British Board of Agrément (BBA)	A UK body issuing certificates for construction products and systems and providing inspection services in support of their designers and installers.
British Standards Institution (BSI)	The national standards body of the United Kingdom. BSI produces technical standards on a wide range of products and services and also supplies certification and standards-related services to businesses.
Building Information Modelling (BIM)	A process that encourages collaborative working between all the disciplines involved in design, construction, maintenance and use of buildings.
Building Regulations	Regulations that apply to most new buildings and many alterations of existing buildings in England and Wales, whether for domestic, commercial or industrial use. Compliance is a legal requirement.
Building Safety Regulator (BSR)	Established under the Building Safety Act 2022 to regulate higher-risk buildings, raise safety standards of all buildings, help professionals in design, construction, and building control, to improve their competence.
Building Research Establishment (BRE)	A centre of building science in the United Kingdom, owned by the charitable organisation the BRE Trust, providing research, advice, training, testing, certification and standards for both public and private sector organisations in the UK and abroad.
Certification Authority for Reinforcing Steels (CARES)	An independent provider of assured certification for the constructional steels industry.

Term	Definition
Code for Construction Product Information (CCPI)	A code initiated by the Construction Product Association (CPA) as a direct response to Dame Judith Hackitt's 'Building a Safer Future: Independent Review of Building Regulations and Fire Safety' (the Hackitt Review) which sets out to create and promote urgent and positive culture in addition to, behaviour change in the way the construction product manufacturing and industry manages and provides information on their products.
Collaborative Reporting for Safer Structures UK (CROSS-UK)	A confidential reporting system which allows professionals working in the built environment to report on fire and structural safety issues. These are then published anonymously to share lessons learned, create positive change, and improve safety.
Conformity Assessment Bodies (CABs)	Comprises testing and calibration laboratories, certification bodies as well as inspection bodies that provide conformity assessment services.
Competent Installer	An installer that has the necessary technical knowledge, skills and experience to install products safely.
Competition and Markets Authority (CMA)	An independent, non-ministerial department which aims to promote competitive markets and tackling unfair behaviour in the United Kingdom.
Construction Products Regulation 2011 (CPR)	EU law with the aim of removing technical barriers to the trade of construction products in the European single market.
Construction Products Association (CPA)	Organisation that represents and champions construction product manufacturers and suppliers.
Conformité Européenne Mark (CE Mark)	A symbol affixed to products which are traded on the extended Single Market in the EEA (European Economic Area). It may signify that a product has been assessed to meet safety, health, and environmental protection. It can only be affixed to products covered by the New Approach Directives.
Clinical Practice Research Data (CPRD)	A research service supporting retrospective and prospective public health and clinical studies.
Circular Economy	A circular economy is a system that decouples economic activity from new resource extraction, using a systemic approach across the full material and product lifecycle to maintain the value of our resources for as long as possible.

Term	Definition
Data Protection Act (DPA)	An Act of Parliament which updates data protection laws in the UK. It is a national law which complements the European Union's General Data Protection Regulation and replaces the Data Protection Act 1998.
Digital Product Passports (DPP)	A tool, introduced through the EU Ecodesign for Sustainable Products Regulations and the 2024 reforms of the EU-CPR, to provide easily accessible digital information about a product and its performance criteria, including its environmental impact, to users, the supply chain and regulators, by offering relevant and comprehensive information about the product's lifecycle.
Declaration of Performance	A mandatory document that manufacturers and authorised representative need to sign to declare that construction products comply with the legal requirements, as required under the Construction Products Regulations.
Declaration of Performance and Conformity	A mandatory document that manufacturers and authorised representatives need to sign to declare that construction products comply with EU requirements, as required under the Construction Products Regulation 2024.
Decommissioning	Once a construction product has reached the end of its usable life and is not able to be re-used in another project, decommissioning is the process of removing the product from the project ahead of waste processing and disposal/recycling.
Designated Standard	A standard, developed by consensus, which is recognised by government by publishing its reference on GOV.UK in a formal notice of publication. Construction products designated standards are designated by the Secretary of State and are mandatory standards.
Devolved Administration	The transfer of power by central government to local or regional administrations.
Digital Labelling	A label or a barcode which enables manufacturers to provide a link to digital product information, for example compliance information or instructions for safe use.
Distributor	Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market.

Term	Definition
Duty holders	Includes the client, principal designer and principal contractor as defined in the Construction (Design and Management) Regulations 2015.
European Committee for Standardisation (CEN)	A public standards organisation whose mission is to foster the economy of the European Single Market and the wider European continent in global trading, the welfare of European citizens and the environment by providing an efficient infrastructure to interested parties for the development, maintenance and distribution of coherent sets of standards and specifications.
European Assessment Document (EAD)	A harmonised technical specification for construction products, established under the Construction Products Regulation.
The European Organisation for Technical Approvals (EOTA)	A Europe wide association of Technical Assessment Bodies for construction products established under the Construction Products Regulation in the European Union.
Embodied Carbon	The greenhouse gas emissions, represented by the metric of CO ₂ equivalent emissions, arising from the raw material extraction, processing, manufacture, transport, lifetime maintenance and disposal of a product.
Engineered Panels in Construction (EPIC)	A not-for-profit trade association and a contributor to UK and European consultative groups and projects, particularly in the areas of regulatory requirements and various standards.
Economic operator	This includes the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to this Regulation in relation to the manufacturing or remanufacturing of products, including products to be reused, or to making those products available on the market, in accordance with this Regulation. This definition of ‘economic operators’ does not include online marketplaces.
European Cooperation for Accreditation (EA)	A not-for-profit association that is formally appointed by the European Commission in Regulation (EC) No 765/2008 to develop and maintain a multilateral agreement of mutual recognition, the EA MLA, based on a harmonized accreditation infrastructure.
Environmental Product Declarations (EPD)	Measures the environmental impact of a product. It is generated based on data obtained through life cycle assessment.

Term	Definition
Ecodesign for Sustainable Products Regulation (ESPR)	Part of a package of measures that are central to achieving the aims of the 2020 Circular Economy Action Plan and fostering the transition to a circular, sustainable, and competitive economy.
European Commission	The European Commission (EC) is the primary executive arm of the European Union (EU).
Food Standards Agency (FSA)	The body responsible for food safety and food hygiene in England, Wales and Northern Ireland. It works with local authorities to enforce food safety regulations and its staff work in meat plants to check the standards are being met.
Freedom of Information Act 2000 (FOIA)	An Act of the Parliament of the United Kingdom that creates a public “right of access” to information held by public authorities.
The General Product Safety Regulations 2005 (GPSR)	The General Product Safety Regulations 2005 provide the basis for ensuring the safety of consumer goods by setting requirements and providing a range of provisions to secure compliance and enforcement with the requirements.
German Institute for Building Technology (DIBt)	Formed in 1968 a German technical authority that supports the federal states in fulfilling their regulatory responsibilities.
Gas Safety (Instillation and Use) Regulations (GSIUR)	A statutory instrument, regulating various activities to those who install, service, maintain or repair gas appliances and other gas fittings, on the safety of instillations and appliances using natural gas and liquified petroleum gas.
Importer	The first person who is established within the UK and makes available a product from a third country on the GB market.
International Organisation for Standardisation (ISO)	An independent, non-governmental, international standard development organization composed of representatives from the national standards organizations of member countries. Membership requirements are given in Article 3 of the ISO Statutes.
International Laboratory Accreditation Cooperation (ILAC)	A cooperation that facilitates trade by operating a worldwide mutual recognition arrangement among accreditation bodies, in order that the data and test results issued by laboratories, inspection bodies, proficiency testing providers and reference material producers, accredited by ILAC Accreditation Bodies members, such as UKAS, are accepted globally.

Term	Definition
Local Authority Trading Standards (LATS)	Local authority departments that enforce consumer protection legislation.
Medium-density fibreboard (MDF)	A man-made wood product that consists of refined wood grits that are mixed with wax and resin and pressed under immense pressure and temperature to form flat panels.
Modern Methods of Construction (MMC)	A process which focuses on off-site construction techniques, such as mass production and factory assembly, as alternatives to traditional building.
Manufacturer	Any person or business that manufactures a product, or has a product designed or manufactured; and markets that product under that person's or business's name or trademark.
National Regulator for Construction Products (NRCP)	The regulator was established in the Office for Products Safety and Standards (OPSS) in April 2021, and reports to the Secretary of State for Housing, Communities and Local Government. It is leading and coordinating work that will set a new regulatory approach for construction products.
Non-ministerial government department (NMGD)	A government department in its own right, but does not have its own minister.
National Quality Infrastructure (NQI)	The four institutions which provide the standardisation, accreditation, measurement, conformity assessment, and market surveillance.
Net Zero	The legal obligation on the government to achieve Net Zero carbon emissions by 2050.
Office for Product Safety and Standards (OPSS)	The national regulator for all consumer products, except for vehicles, medicines and food. The National Regulator for Construction Products sits within the OPSS (since April 2021).
Online Marketplace	An E-Commerce site that provides a platform for listing items for sale by third-party businesses. Online Market places may offer a location to list products or offer fulfilment services for third parties.
Product Identification	A system for knowing where a product is in a building.
Products critical to safe Construction	Products or systems of products where there is a risk of serious harm if something goes wrong.
Proportionate	In relation to the regulatory regime, requirements that are commensurate to the risk and in proportion to achieving the objectives.

Term	Definition
Quick Response (QR) Code	Two-dimensional codes that you can scan with a smartphone. The code contains information, usually a site address, and once you scan it, the code connects you with a resource on the web.
Regulatory Authorities	Bodies with responsibilities for enforcing compliance with a regulatory regime. As well as the Office for Product Safety and Standards (OPSS) as the National Regulator for Construction Products (NRCP), relevant regulatory authorities include Local Authority Trading Standards (in Great Britain), district councils and the Department of Enterprise, Trade and Investment (in Northern Ireland), the Building Safety Regulator (in England), local authority building control, and the Competition and Markets Authority.
Reserved Matter	Reserved matters are decisions that are still taken by the UK Parliament at Westminster even though they have effect in Scotland, Wales, Northern Ireland or the regions of England.
UK Registration, Evaluation, Authorisation and Restriction of Chemicals (UK REACH)	Forms part of the regulatory regime for chemicals in Great Britain (England, Scotland and Wales). It entered into force on 1 January 2021 after the UK left the EU and the EU REACH regulation was brought into UK law. The statutory purpose of UK REACH is to ensure a high level of protection for human health and the environment in Great Britain.
Royal Institution of Chartered Surveyors (RICS)	A global professional organisation that establishes and enforces standards for valuing, operating, and developing assorted types of real estate and property.
Retained EU law (REUL), assimilated law	REUL was a type of domestic law, created by the EU (Withdrawal) Act 2018 (EUWA) and which came into effect at the end of the UK's post-EU exit transition period (which ended on 31 December 2020). The primary objective of REUL was to provide legal continuity and certainty at the end of the transition period.
Safe product	We propose a definition for a safe product that achieves consistency between the definition of 'safe' under the general safety requirement with the concepts used in the definition of 'a product presenting a risk' in the revised EU-CPR. This is discussed in Chapter 5.
The Scientific Advisory Group for Emergencies (SAGE)	A government body that provides scientific and technical advice to support government decision makers during emergencies.

Term	Definition
SMEs (Small and Medium Enterprises)	Businesses that have revenues, assets, or a number of employees below a certain threshold.
Technical assessment bodies (TABs)	Assesses construction products on the base of Technical Assessment Documents. These bodies are designated by the Secretary of State under the Construction Products Regulations.
Test data	Test data represents the individual raw values which would be produced as part of a test. This can include both quantitative and qualitative information.
Test results	Test results refer to the presentation of collected information and findings that demonstrate the outcomes of the test. This can include both quantitative and qualitative information.
Third Party Certification Schemes	A process where an independent organisation reviews the manufacturing process of a product and determines whether a product complies with specific standards for safety, quality or performance.
Traceability	A system where you can trace a product through its supply chain.
United Kingdom Assessment Document (UKAD)	A document adopted by the responsible Technical Assessment Body for the purpose of issuing UK Technical Assessments, under the Construction Products Regulations.
United Kingdom Accreditation Service (UKAS)	The sole national accreditation body recognised by the government to assess the competence of organisations that provide certification, testing, inspection and calibration services.
United Kingdom Conformity Assessed marking (UKCA Mark)	A conformity mark that indicates conformity with the applicable requirements for products sold within Great Britain.
UKNI Marking	A conformity marking for products placed on the market in Northern Ireland which have undergone mandatory third-party conformity assessment by a notified body based in the UK.
UK Research and Innovation (UKRI)	The national funding agency investing in science and research in the UK that has a combined budget of more than £6 billion and brings together the seven Research Councils, Innovate UK and Research England.
UK General Data Protection Regulation (GDPR)	Laws put in place in 2018 that protect the personal information of individuals.
Uniform Resource Locator (URL)	The address of a specific location on the web.

Annex E: Data protection

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018 and other Data Protection Legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to engagement on this green paper.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities & Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk or by writing to the following address:

Data Protection Officer
Ministry of Housing, Communities & Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the engagement process, so that we can contact you to discuss your responses to the consultation and for statistical purposes.

We will collect your IP address if you respond to the engagement on this green paper online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

The personal information we are requesting as part of this consultation includes:

- Your name
- Your email
- Your regional location
- Your position (if applicable)
- The name of organisation (if applicable)
- The size of your organisation, for example, a Small or Medium Enterprise (SME) or larger business (if applicable)
- What your organisation is, for example, a manufacturer, trading body, local authority (if applicable).

Sensitive types of personal data

Please do not share special category personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your response. By ‘special category personal data’, we mean information about a living individual’s:

- Race
- Ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Biometrics
- Health (including disability-related information)
- Sex life; or
- Sexual orientation.

By ‘criminal offence data’, we mean information relating to a living individual’s criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case engagement on a green paper.

4. With whom we will be sharing your personal data

MHCLG may appoint a ‘data processor’, acting on behalf of the Department and under our instruction, to help analyse the responses to engagement on this green paper. Where we do, we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the end of engagement on this green paper, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> , or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@communities.gov.uk or

Knowledge and Information Access Team
Ministry of Housing, Communities & Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for 2 years of retention before it is deleted.

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